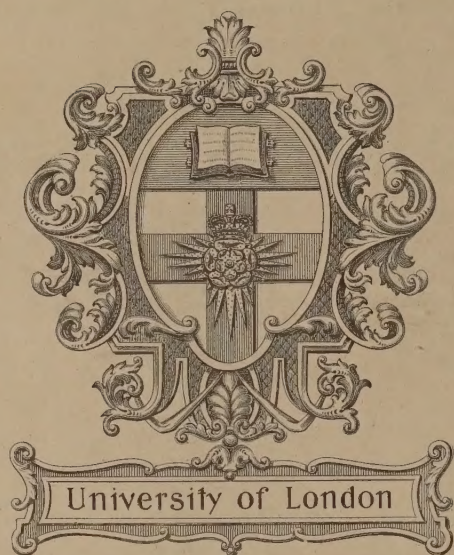












605377















B I L L S,

PUBLIC:

*FOUR VOLUMES.*

---

— (1.) —

ADMINISTRATION OF JUSTICE

TO

CUSTOMS DUTIES (No. 2).

---

Session

3 December 1857 — 2 August 1858.

---

VOL. I.

1857—58.

---







# B I L L S :

1857—58.

## FOUR VOLUMES:—CONTENTS OF THE

### FIRST VOLUME.

N. B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Bill; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for The House of Commons.

#### Administration of Justice :

- ✓ 142. Bill to assist the Administration of Justice, by affording better Means for ascertaining the Law of other Countries in Cases where Questions as to such Law shall arise. (*Not printed.*) - - - - - p. 1

#### Administration of Justice (Dublin) :

- ✓ 136. Bill for the more effectual Administration of Justice in the Police District of *Dublin* Metropolis - - - - - 3

#### Administration of Oaths by Committees :

- ✓ 239. Bill, intituled, An Act to enable the Committees of both Houses of Parliament to administer Oaths to Witnesses in certain Cases - - - - - 45

#### Admiralty Court :

- ✓ 172. Bill to enable Serjeants, Barristers-at-Law, Attornies, and Solicitors to practise in the High Court of Admiralty - - - - - 49

#### Agricultural Statistics :

- ✓ 26. Bill to provide for the Collection of Agricultural Statistics in *England* and *Wales* - - - - - 53

#### Army Service :

- ✓ 206. Bill to revive and continue an Act amending the Act for limiting the Time of Service in the Army - - - - - 63

#### Art Unions Act Amendment :

- ✓ 144. Bill to amend the Act for legalizing Art Unions - - - - - 67

#### Art Unions Indemnity :

- ✓ 243. Bill, intitaled, An Act to indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes [as amended by the Lords] - - - - - 71

#### Bank Issues Indemnity :

- ✓ 1. Bill to indemnify the Governor and Company of the Bank of *England* in respect of certain Issues of their Notes, and to confirm such Issues, and to authorise further Issues for a Time to be limited - - - - - 75

#### Bankruptcy and Insolvency :

- ✓ 154. Bill to amend and consolidate the Laws relating to Bankrupts and Insolvents 79

#### Bishops Trusts Substitution :

- ✓ 76. Bill, intituled, An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts - - - - - 261



## Bishops Trusts Substitution (No. 2):

- ✓ 96. Bill to enable the Bishop of one Diocese to substitute the Bishop of another as a Trustee in certain Trusts - - - - - p. 265

## Bishops Trusts Substitution (No. 3):

- ✓ 97. Bill to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts - - - - - 269

## Bishops Trusts Substitution:

- ✓ 186. Bill, intituled, an Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts [as amended in Committee] - - - - - 273

## Bristol Municipal Charities:

- ✓ 124. Bill, intituled, an Act for confirming a Scheme of the Charity Commissioners for certain Municipal Charities in the City of *Bristol* - - - - - 277

## Bristol St. Nicholas and St. Leonard's Charities:

- ✓ 125. Bill, intituled, An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of *Saint Nicholas* and *Saint Leonard* in the City of *Bristol* - - - - - 283

## Cambridge University Matriculation and Degrees:

- ✓ 28. Bill to repeal the Stamp Duties payable on Matriculation and Degrees in the University of *Cambridge* - - - - - 291

## Chancery Amendment:

- ✓ 46. Bill to amend the Course of Procedure in the High Court of Chancery - 295  
 ✓ 62. Bill to amend the Course of Procedure in the High Court of Chancery [as amended in Committee] - - - - - 299  
 ✓ 87. Bill to amend the Course of Procedure in the High Court of Chancery, the Court of Chancery in *Ireland*, and the Court of Chancery of the County Palatine of *Lancaster* [as amended in Committee, on Re-commitment, and on consideration of Bill as amended] - - - - - 303

## Charitable Trusts Acts Continuance:

- ✓ 199. Bill further to continue the Exemption of certain Charities from the Operation of the Charitable Trusts Acts - - - - - 309

## Chelsea Bridge Act Amendment:

- ✓ 79. Bill to amend the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Thirty-nine, and abolish Foot Passenger Tolls on *Chelsea* Bridge after Payment of the Sum of Ninety-eight thousand seven hundred and seventy-seven Pounds Ten Shillings and Sixpence - - - - - 313

## Chelsea Hospital and Waterworks Exchange of Lands:

- ✓ 43. Bill to effect an Exchange between the Commissioners of *Chelsea* Hospital and the Governor and Company of *Chelsea* Waterworks of Lands in the Parishes of *Saint George Hanover-square* and *Saint Margaret Westminster*, in the County of *Middlesex* - - - - - 317

## Chelsea Hospital (Purchase of Lands):

- ✓ 47. Bill to confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of *Chelsea* Hospital - 323

## Chief Justice of Bombay:

- ✓ 151. Bill, intituled, An Act to make valid certain Acts of the late Chief Justice of *Bombay* - - - - - 329

## Chinese Passenger Act (1855) Amendment:

- ✓ 193. Bill, intituled, An Act prohibiting the Carriage of *Chinese* Emigrants to Foreign Countries in *British* Ships, and amending in that respect the *Chinese* Passenger Act, 1855 - - - - - 333



Church of England Special Services :

- ✓ 63. Bill, intituled, An Act for Special Services in the Church of *England* - p. 337

Church Rates Abolition :

- ✓ 18. Bill for the Abolition of Church Rates - - - - - 341

Church Rates Commutation :

- ✓ 196. Bill for the Voluntary Commutation of Church Rates - - - - - 345

Churches, &c. (Ireland) :

- ✓ 17. Bill further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in *Ireland* - - - - - 351

Civil Bills, &c. (Ireland) Act Amendment :

- ✓ 165. Bill to amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in *Ireland*, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors - - - - - 357

Clerks of Petty Sessions (Ireland) :

- ✓ 10. Bill to authorise the Payment of Clerks of Petty Sessions in *Ireland* by Salaries instead of Fees, and to amend the Petty Sessions (*Ireland*) Act, 1851 - 361
- ✓ 113. Bill to regulate the Office of Clerk of Petty Sessions in *Ireland* - - - 375
- ✓ 157. Same [as amended in Committee] - - - - - 387
- ✓ 226. Same [as amended in Committee, and on Re-commitment] - - - - - 401

Commissioners for Exhibition, 1851 :

- ✓ 118. Bill for releasing the Lands of the Commissioners for the Exhibition of 1851 upon the Repayment of Monies granted in aid of their Funds - - - - - 415

Common Law Procedure Act Amendment :

- ✓ 85. Bill to amend the Common Law Procedure Act, 1854, with reference to the Exercise of Equitable Jurisdiction - - - - - 419
- ✓ 133. Same [as amended in Committee] - - - - - 425

Commons Inclosure :

- ✓ 27. Bill to authorise the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales* - - - - - 433

Confirmation of Executors, &c. :

- ✓ 72. Bill to amend the Law relating to the Confirmation of Executors in *Scotland*, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration - - - - - 437
- ✓ 129. Same [as amended in Committee] - - - - - 447

Consolidated Fund (Appropriation) :

- ✓ 224. Bill to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and Fifty-eight, and to appropriate the Supplies granted in this Session of Parliament - 459

Conspiracy to Murder :

- ✓ 15. Bill to amend the Law relating to Conspiracy to Murder - - - - - 495

Copyhold and Inclosure Commissions, &c. :

- ✓ 201. Bill to continue Appointments under the Act for consolidating the Copyholds and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts - - - - - 499



## Copyhold Acts Amendment:

- ✓ 111. Bill to amend the Copyhold Acts - - - - - p. 503  
 ✓ 163. Same [as amended in Committee] - - - - - 521

## Copyright of Designs:

- ✓ 89. Bill to amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture - - - - - 541

## Cornwall Submarine Mines:

- ✓ 204. Bill to declare and define the respective Rights of Her Majesty and of His Royal Highness the Prince of *Wales* and Duke of *Cornwall* to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of *Cornwall*, and for other Purposes - - - - - 549

## County Court Districts:

- ✓ 195. Bill, intituled, An Act for the Re-arrangement of the Districts of the County Courts among the Judges thereof - - - - - 557

## County Franchise:

- ✓ 66. Bill to extend the Franchise in Counties in *England* and *Wales*, and to improve the Representation of the People in respect of such Franchise - - - - - 561

## County Management:

- ✓ 55. Bill for the better Management of County Rates - - - - - 565

## County, &amp;c. Property Conveyance:

- ✓ 155. Bill to provide for the Conveyance of County, City, and Borough Property to the Clerk of the Peace or Town Clerk of the County, City, or Borough - 569  
 ✓ 209. Same [as amended in Committee] - - - - - 573

## Corrupt Practices Prevention Act Continuance:

- ✓ 166. Bill to continue and amend the Corrupt Practices Prevention Act, 1854 - 577  
 ✓ 219. Same [as amended in Committee] - - - - - 581

## Cowley's Charity:

- ✓ 122. Bill, intituled, An Act for confirming a Scheme of the Charity Commissioners for *Cowley's* Charity in the Parish of *Swineshead*, in the County of *Lincoln* - 585

## Cruelty to Animals Act Amendment:

- ✓ 33. Bill to amend the Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter Sixty, for the more effectual Prevention of Cruelty to Animals - 589

## Customs Duties:

- ✓ 38. Bill for the Alteration of certain Duties of Customs - - - - - 615

## Customs Duties (No. 2):

- ✓ 53. Bill for the further Amendment of the Duties of Customs - - - - - 619



# Administration of Justice (Dublin) Bill.

---

## ARRANGEMENT OF CLAUSES.

---

Commencement of Act; Sect. 1.

Short Title of Act; 2.

Interpretation of Terms; 3.

Repeal of Acts; 4.

### *Metropolitan Police District.*

Police District defined; 5.

Parts of River Liffey and Kingstown Harbour included for special Purposes; 6.

Lord Lieutenant may direct Parishes within certain Limits to be included; 7.

District may be divided; 8.

### *Police Courts of Dublin Metropolis.*

Lord Lieutenant may establish Police Courts within the District; 9.

Appointment of Clerks in Police Courts; 10.

Power of Justices; 11.

Lord Lieutenant may assign Justices to particular Districts; 12.

Justices not compellable to act out of District; 13.

Justices to be Barristers; 14.

Justices not to practise; 15.

Justices to take Oaths, and to act for adjoining Counties; 16.

When Divisions reduced, Justices may be superseded on Superannuation; 17.

Salaries of Justices; 18.

Provision for Death or Absence of Justices; 19.

One Justice may do Acts directed to be done by more than One Justice; 20.

Justices not to serve on Juries, or interfere in Elections; 21.

### *Procedure.*

Procedure in Police District to be under "Petty Sessions Act;" 22.

Warrant for Apprehensions without Summons; 23.



Chief or Under Secretary may make Rules for ; 24.

No Attorney to practise unless admitted in Superior Courts ; 25

Attornies suspended for Misconduct ; 26.

*Fees.*

Fees to be taken in Police Courts ; 27. .

Clerks to keep Account of Fees ; 28.

Fines and Penalties to be paid over ; 29.

Distribution of Penalties ; 30.

*Civil Jurisdiction.*

Order for Delivery of Goods detained ; 31.

Relief against oppressive Distress ; 32.

Certificate of Desertion ; 33.

Compensation for wilful Damage by Tenants ; 34.

Recovery of Taxes and Rates ; 35.

Power of Justices respecting Pawnbrokers ; 36.

Disputes between Watermen ; 37.

*Police Offences and Regulations.*

Summary Jurisdiction Act incorporated ; 38.

“ Towns Police Clauses Act ” incorporated ; 39.

Nuisances, Penalty for ; 40.

Impounding and Sale of Obstructions ; 41.

Negligent and wilful Misbehaviour of Drivers ; 42.

Paving and Lighting Offences ; 43.

Abatement of dangerous Nuisances ; 44.

Regulation of Coffee Shops ; 45.

Regulation of Houses of Public Resort ; 46.

Suppression of Gaming Houses ; 47.

Proof of Money Wagers ; 48.

Booths and Fairs illegally held and erected ; 49.

Illegal Fairs ; 50.

Publicans supplying Liquor to Youths under Sixteen Years ; 51.

Vagrants, Arrest of ; 52.

Impostors obtaining Money on false Pretences ; 53.

False Bills of Parcels ; 54.

Cutting Ropes and Cables ; 55.

Possession of Instruments for abstracting Wine ; 56.

Piercing Casks to spill Contents ; 57.

Breaking



Breaking Casks ; 58.  
Aggravated Assaults on Women and Children ; 59.  
Assaults on Constables ; 60.  
Stolen Goods, Production of ; 61.  
Unlawful Possession of stolen Goods ; 62.  
Conviction of Party from whom received ; 63.  
Delivery of Order for ; 64.  
Goods in Custody of Constables ; 65.  
Search Warrants for stolen Goods ; 66.  
Search Warrants for Felons ; 67.  
Search for concealed Arms ; 68.  
Warrants, Execution of, out of District ; 69.  
River Liffey, Power of Constables on ; 70.  
Boarding Vessels ; 71.  
Arrest of suspected Felons ; 72.  
Apprehension of Offenders without Warrant ; 73.  
Apprehension of Persons suspected of having stolen Goods ; 74.  
Detention of Furniture removed to evade Rent ; 75.  
Detention of Horses and Carriages of Offenders ; 76.  
Apprehension of Offenders whose Names are unknown ; 77.  
Apprehension of notorious Thieves ; 78.  
Apprehension of Persons committing recent Assaults ; 79.  
Taking to Station House ; 80.  
Binding over to prosecute ; 81.  
Bail may be taken ; 82.  
Form of Recognizance ; 83.  
Enlarging Recognizance ; 84.

*General Clauses.*

Compounding Informations ; 85.  
Revenue Informations ; 86.  
Amends for frivolous Informations ; 87.  
Obtaining Money by threatening Informations ; 88.  
Compensation for Damage ; 89.  
General Penalty ; 90.  
Lessening Penalties to Informers ; 91.  
Mitigating Penalties ; 92.  
Offences indictable ; 93.  
Convictions not to be quashed for Informality ; 94.



Actions against Constables ; 95.

Justification may be pleaded ; 96.

Evidence of Authority ; 97.

Indemnity for acting under Warrants ; 98.

False Oaths, Penalty for ; 99.

Act not to apply to Revenue Cases ; 100.

Unclaimed Property may be sold by Receiver ; 101.

SCHEDULES.

---



(Ireland.)

A

# B I L L

FOR

## The more effectual Administration of Justice in the Police District of Dublin Metropolis.

**W**HEREAS it is expedient to consolidate and amend the Preamble.  
Laws relating to the Administration of Justice in the  
Police District of Dublin Metropolis: Be it therefore  
enacted by the Queen's most Excellent Majesty, by and with the  
5 Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the Authority  
of the same, as follows:

I. This Act shall come into operation on the *First Day of October* Commence-  
*in the Year One thousand eight hundred and fifty-eight.* ment of Act.

10 II. This Act may be cited for all Purposes as the "Dublin Metro- Short Title  
politan Police Act, 1858." of Act.

III. In the Construction and for the Purposes of this Act (if not Interpretation of  
inconsistent with the Context or Subject Matter) the following Terms shall have the respective Meanings herein-after assigned to  
15 them, that is to say, "Lord Lieutenant" shall mean the Lord  
[Bill 136.] A Lieutenant



Lieutenant or other Chief Governor or Governors of Ireland for the Time being; "Chief" or "Under Secretary" shall mean the Chief or Under Secretary of the Lord Lieutenant; "District" and "Police District" shall mean the Police District of Dublin Metropolis; "Justice" shall mean Justice appointed and acting for the Metropolitan Police District; and in the Construction of the "Petty Sessions (Ireland) Act, 1851," and of the "Summary Jurisdiction (Ireland) Act, 1851," so far as the same are incorporated with this Act, and relate to the Police District of Dublin Metropolis, the following Terms shall have the extended Meaning hereby assigned to them, that is to say, "Petty Sessions" shall include the Divisional Police Courts; "Clerk of Petty Sessions" shall include Clerk of the Divisional Police Courts; "Petty Sessions District" shall include the Police District of Dublin Metropolis, and the respective Divisions thereof; "County" shall include Police District of Dublin Metropolis; "Assizes" shall include the Commission for the County and County of the City of Dublin.

Repeal of  
Acts.

IV. The Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed are repealed to the Extent therein expressed, except as to Matters and Things done in the Exercise of the Powers, Duties, and Functions given or imposed by the said Acts or any of them, and except as to Appointments made, Rights vested or acquired, and Liabilities, Penalties, and Forfeitures incurred, under the said Acts or any of them, or in respect of any Offence committed before the Commencement of this Act, or so far as may be necessary for the Institution or Prosecution of any Proceedings in relation thereto.

*Metropolitan Police District.*

Police  
Districts  
defined.

1 Vict. c. 25.  
ss. 1. & 3.

6 W. 4. c. 13.

V. Her Majesty's Castle of Dublin, and all Places situated within the Boundary described in Schedule (B.) to this Act, shall continue to be "The Metropolitan Police District," and all Parts of the County of Dublin not comprised within such District shall be deemed to be the County of Dublin for the Purposes of the Act of the Sixth Year of the Reign of King William the Fourth, Chapter Thirteen; and no Misnomer or inaccurate Description in the said Schedule, or in any Order in Council, shall prevent the Operation thereof as fully as if the Subject Matter had been correctly named and described, provided the same be sufficiently designated to a common Intent and Understanding; and united Parishes shall for all Purposes of this Act be included in the Word Parish.

Parts of  
River Liffey  
and Kings-

VI. Such Parts of the River Liffey as are within or adjoining to the Metropolitan Police District, or to the several Counties of Dublin,

Dublin, Kildare, and Wicklow, and also the Harbour of Dublin, and the Harbour of Kingstown, and the Docks and Creeks adjacent thereto, or within *Ten* Miles thereof, shall be deemed to be within the District, for the Purposes of enabling any Sub-Inspector, Head or other Constable, or Sub-Constable of the Metropolitan Police, to carry into execution the Provisions contained in Sections of this Act, and the Provisions of any Act hereafter to be passed for the like Purposes.

VII. The Lord Lieutenant, by the Advice of Her Majesty's Privy Council for Ireland, may order that any Parish or Place in the County or County of the City of Dublin, Part of which shall be on the South Side of that Portion of the River Anna Liffey which is Eastward of Her Majesty's Castle of Dublin, or on the South Side of the Bay or Harbour of Dublin, and within *Eight* Miles of the Castle of Dublin, and within *Four* Miles of the River, or Bay, or Harbour, shall, after a certain Day to be named in such Order, form Part of the Police District, and thereupon such Parish or Place shall become Part of such Police District.

Lord Lieutenant may direct Parishes within certain Limits to be added to District.  
1 Vict. c. 25. s. 2.  
2 & 3 Vict. c. 78. s. 14.

VIII. The Lord Lieutenant, by the Advice of Her Majesty's Privy Council for Ireland, may, from Time to Time, re-divide the Police District, or reduce the Number of Divisions, or alter the Limits of any Division.

Police District may be divided.  
1 Vict. c. 25. s. 13.

#### *The Police Courts of Dublin Metropolis.*

IX. The Lord Lieutenant, with the Advice of Her Majesty's Privy Council for Ireland, may establish in the Divisions of the District such Number of Police Courts as shall to him appear necessary, and from Time to Time alter the Number or Situation of the Courts already or hereafter to be established, and discontinue the same or any of them, as occasion may require; and the Lord Lieutenant may direct the regular daily Attendance at the Police Courts of the Justices of the Division, or any of them, or of any of the other Justices heretofore appointed or hereafter to be appointed, and make from Time to Time such Regulations in respect of the Attendance thereat of any of the Justices and of any Officers belonging to any of the Police Courts as may be deemed expedient; but, until such Alterations, the present Establishment of Police Courts shall continue as if this Act had not passed.

Lord Lieutenant may establish Police Courts within District.  
3 & 4 Vict. c. 103. s. 1.  
48 G. 3. c. 140. s. 13.  
1 Vict. c. 25. s. 16.

X. The Lord Lieutenant may from Time to Time appoint such Clerks and other Officers for the Police Courts, and with such Salaries as he shall think proper, to be paid out of the Local Funds raised for the Support of the Police Establishment, and each and every of such

Appointment of Clerks in Police Courts.  
11 & 12 Vict. c. 113. s. 1.



Clerks and Officers may be removed by the Lord Lieutenant at his Pleasure.

Power of  
Justices.

48 G. 3.

c. 140. s. 70.

XI. The Justices of the Police District of the Dublin Metropolis shall possess all the Powers, Jurisdiction, and Authority conferred on Divisional Justices of the Metropolitan Police District by any Statute 5 or Law not hereby repealed.

Lord Lieuten-  
ant may  
assign Jus-  
tices to  
particular  
Divisions.

48 G. 3.

c. 140. s. 10.

Justices not  
compellable  
to act out of  
District, or  
in Offences  
not being  
Treason or  
Felony.

5 G. 4.

c. 102. s. 11.

XII. The Lord Lieutenant shall from Time to Time, as he shall see fit, assign to each of the Justices the Division to which he shall belong, and shall change them when and so often as he shall think fit, but until such Change the Justices shall continue attached to the 10 Division to which they are respectively assigned.

Power to  
commit to  
Kilmainham  
Persons  
charged with  
Offences  
beyond  
District.

XIII. No Justice shall be compellable to act as a Justice of the Peace out of the Police District, nor to act within the District as a Justice of the Peace for the Counties of Dublin, Wicklow, Kildare, or Meath, upon any Information tendered or offered to be sworn, 15 where the Offence charged shall not amount to Treason or Felony, and in all Cases in which any Person shall be apprehended within the District, charged with Treason or Felony committed beyond the Limits of the District, the Justice shall inquire into such Evidence and Things relating thereto as it shall be then offered, and take such 20 Informations (if any) as may appear requisite touching the same; but if it shall appear to the said Justice that the Evidence produced is insufficient to sustain the Charge made, he shall dismiss the same, and discharge such Party, or in the Discretion of such Justice commit the Party to the Gaol of Kilmainham, there to be detained until he 25 shall be transmitted, according to Law, to the County, District, or Place where such Treason or Felony shall have originated, to be there further and finally disposed of.

Justices  
hereafter to  
be appointed  
shall be Bar-  
risters.

5 Vict. c. 24.  
s. 46.

XIV. When a Vacancy shall occur in the Office of Justice of the Dublin Metropolitan Police District, by Death, Resignation, or Re- 30 moval, it, if necessary, shall be filled up by the Lord Lieutenant by a Barrister who shall have practised as such during at least *Ten* Years then last past.

Justices  
shall not  
practise.  
48 G. 3.  
c. 140. s. 14.

XV. No Barrister who at present is or shall hereafter be appointed a Justice of the District shall during his Continuance in the Office 35 practise as a Barrister in any Manner whatever for Profit or Emolument; and if any such Barrister shall offend herein the Lord Lieutenant may remove him altogether from his Office, or direct that he be suspended from the Performance of the Duties thereof for such Period as the Lord Lieutenant shall direct. 40

XVI. Every

XVI. Every such Justice shall, before he shall begin to execute the Duties of his Office, take and subscribe before some Justice or Baron of one of Her Majesty's Superior Courts of Common Law at Dublin such Oath of Office as is or shall be by Law required to be taken by Justices of the Peace in Ireland, and thereupon shall be, so long as he shall continue in his Office, and each of the present Justices for the District shall likewise continue to be, so long as he shall continue in Office, to all Intents and Purposes a Justice of the Peace within every Part of the Police District of Dublin Metropolis, and also a Justice of the Peace within and for the Counties of Dublin, Wicklow, Kildare, and Meath.

Justices to take Oaths and be Justices in District and Counties adjoining.

48 G. 3.  
c. 140. s. 9.  
6 & 7 W. 4.  
c. 29. s. 2.

XVII. When the Number of Police Divisions in the Metropolitan Police District shall be reduced below *Three* the Lord Lieutenant may select from the Justices then acting so many as may be required to discharge the Duties of the Police Courts therein, and supersede any other of the Justices whose Services may not be required, and in like Manner may supersede any Clerk or Clerks previously attached to any such Courts; and the Lord Lieutenant may, with the Consent of the Commissioners of the Treasury, grant to every Justice, or Clerk, or other Person in any Office abolished or becoming unnecessary under this Act, and who shall not be re-appointed or employed in an Office of equal Value, such a Compensation or Allowance, chargeable on the said Local Funds applicable to the Support of the Police, as under the Circumstances of each Case shall appear just: Provided, that the Compensation or Allowance of any Justice so superseded or removed within *One Year* from the passing of this Act shall be calculated on the Amount of the Salary payable at the Time of its passing.

When Divisions reduced, Justices, &c. may be superseded by Lord Lieutenant.  
1 Vict. c. 25.  
s. 14.

XVIII. So soon as the Number of the Police Divisions shall be reduced below *Three* the Salaries of such Justices as shall remain shall be such Sum by the Year as the Lord Lieutenant shall, with the Sanction of the Commissioners of the Treasury, direct, not exceeding *Eight hundred Pounds* for each Justice, to be charged on the Local Funds applicable to the Maintenance of the Police.

Salaries of Justices.

XIX. If any Justice before whom an Information shall be exhibited, or other Proceeding had, prosecuted, or continued, shall die or be absent pending such Information or Proceeding, or before the same shall be finally disposed of, any other of the Justices may entertain and dispose of such Information and Proceeding, and do all Acts in relation thereto, in like Manner and with the like Powers and Authority, to all Intents and Purposes as if the Information had

Provision for Death or Absence of Justice.

5 Vict.  
Sess. 2.  
c. 24. s.



been originally exhibited or the Proceeding had or taken before such last-mentioned Justice or Justices respectively.

One Justice may do any Act directed to be done by more than One Justice.  
5 Vict. Sess. 2. c. 124. ss. 47. 70.

XX. Any One Justice may sign or execute any Warrant or other Instrument, and may hear and determine any Complaint or Matter which may be determined by summary Conviction, and may do 5 alone any Act at any of the Police Courts, or at any Place where for any special Purposes he may by Warrant under the Hand of the Chief or Under Secretary be directed to attend, which by any Law now in force, or by any Law not containing an express Enactment to the contrary hereafter to be made, is or shall be directed 10 to be signed, executed, done, or determined by more than One Justice.

Justices, &c. not to serve on Juries.  
1 Vict. c. 25. s. 20.  
6 W. 4. c. 13. s. 23.  
2 & 3 Vict. c. 75. s. 22.

Nor to interfere in Elections.

XXI. No Justice or other Person appointed to or acting in any of the Police Courts shall be returned to serve or shall serve on any Jury or Inquest whatsoever, in the County or County of the City 15 of Dublin, or in the Office of Churchwarden, Parish Overseer, or Constable, or shall be chosen or balloted to serve in the Militia, or shall be elected a Guardian of the Poor or to fill any Office in connexion with the Administration of the Poor Laws; nor shall any such Justice or other Person acting in the said Courts, during the 20 Continuance of his Appointment, be capable of being elected or sitting as a Member of the House of Commons, nor shall be capable of voting for the Election of Members to serve in Parliament for the Counties of Dublin, Wicklow, Kildare, or Meath, or for the County of the City of Dublin, or for any City or Borough within the District, 25 nor shall he in any Manner endeavour to persuade any Elector to give his Vote or to dissuade any Elector from giving his Vote at any such Election.

#### *Procedure.*

Procedure in Police District to be under Petty Sessions Act.

XXII. The Proceedings in Cases of indictable Offences and of 30 summary Jurisdiction shall be similar in the Police District to such Proceedings in the other Parts of Ireland, and so much of Section Forty-one of the "Petty Sessions (Ireland) Act, 1851," as enacts that nothing in the said Act contained shall extend to the Dublin Metropolitan Police District, is hereby repealed; and the said Act, so 35 far as the same is not inconsistent with the Provisions of this Act, and except Sections One to Eight, both inclusive, shall extend to the said District; and the Forms of Proceedings in the Schedule to the said Act referred to in the Portion thereof so extended shall be adopted, with such Variations as may be necessary for such Proceedings in 40 the District: Provided, that all Warrants issued by the Divisional Justices may be addressed to and executed by any Sub-Inspector,

Warrants.  
14 & 15 Vict. c. 90. s. 4. c. 93. s. 27.

Head

Head or other Constable of the Dublin Police District, within the Limits of the Jurisdiction of the Justices respectively; and all Warrants transmitted to the Inspector General for Execution in the Police District of Dublin Metropolis shall be indorsed to any Sub-

- 5 Inspector who shall act for any Division of the District, and shall be executed in like Manner as any Warrant addressed to him in the first instance: Provided also, that all Appeals under the Portion so extended of the said Act shall be to the Sessions of the County or City of Dublin, as the Case may be. Appeals.

- 10 XXIII. Any Justice may, without issuing a Summons, forthwith issue his Warrant for the Apprehension of any Person charged with any Offence cognizable before him, whenever good Grounds for so doing shall be stated on Oath before him. Warrant for Apprehension may be issued without Summons.

- 15 XXIV. The Chief or Under Secretary may from Time to Time make such Rules for regulating the Manner of conducting the Business in the said Courts, and for securing Uniformity therein, as shall appear to be fit, and not be inconsistent with the "Petty Sessions (Ireland) Act, 1851," and may vary or rescind any such Rule, and 20 make others in lieu thereof; and a Copy of every such Rule, signed by the Chief or Under Secretary, shall be sent to each of the said Justices, and to the Chief Clerk of each of the said Courts; and every Rule made for such Purposes shall be observed by the Justices, Clerks, and Officers of the Courts, and a Copy of all such Rules shall 25 be laid before both Houses of Parliament within *Six Weeks* next after the Commencement of each Session of Parliament following the Date of the making thereof. Chief or Under Secretary may make Rules for Business of Courts. 5 Vict. Sess. 2. c. 24. s. 1. 2 & 3 Vict. c. 71. s. 16. (London Act.)

- XXV. No Person shall be permitted to act at any of such Police Courts as an Attorney or Solicitor in the Prosecution of any Cause, 30 Matter, or Proceeding pending before such Justice, who is not a Solicitor or Attorney of some One of Her Majesty's Courts of Record at Dublin, and duly licensed. No Attorney to practise in Police Courts unless admitted in Superior Courts.

- XXVI. Any Justice acting as aforesaid may suspend any Solicitor or Attorney from Practice in his Court for any Period not exceeding 35 *Twelve* Calendar Months, by reason of any Misbehaviour of such Solicitor or Attorney, provided that every such Suspension shall be by Order in Writing, stating the Cause thereof; and every Person so suspended shall be entitled to a Copy of the Order, and shall be at liberty to apply by way of Petition to the Judges of Her Majesty's 40 Court of Queen's Bench in Ireland or any of them, in order to have such Suspension removed; and such Judges or any of them may make such Order on such Petition as to them or him may seem. Attornies may be suspended for Misconduct. Appeal by Petition to Queen's Bench.



befitting; and if such Judges or any of them shall be of opinion that such Suspension was improperly ordered by such Justice, they or he shall certify such Opinion on such Order of Suspension, and shall communicate the same to the Chief or Under Secretary, and thereupon such Suspension shall be removed.

5

*Fees.*

Fees to be  
taken in  
Police  
Courts.  
5 Vict.  
Sess. 2.  
c. 24. s. 69.

XXVII. Such Fees as are contained in the Schedule (C.) to this Act annexed, and no other or greater Fees, may be taken for Business done or Proceedings had before or by any Justice acting in any Police Court within the Police District, and a Table of such Fees 10 shall be fixed in some conspicuous Part of each of the Courts, and any of the said Justices may refuse to do any Act for which any Fee shall be demandable unless such Fee shall be first paid; and if any such Act shall be done, and the Fee due thereon shall not be paid, any of the Justices may summon the Person from whom such Fee shall be 15 due, and make Order for Payment of the same, with Costs of the Proceedings; and in default of Payment may levy the same, with the Costs of the Distress, by Warrant under his Hand.

Clerks to  
keep Ac-  
count of  
Fees.  
14 & 15 Vict.  
c. 90. s. 6.

XXVIII. The Justices at each of the Courts shall take care that One of their Clerks shall, in Books to be provided for that Purpose, 20 keep a full, true, and particular Account of all Fees received thereat, and such Clerk shall, once in every Month, deliver to the Person in that Behalf appointed from Time to Time by the Chief or Under Secretary to the Lord Lieutenant such Account, with all proper Vouchers for verifying the same, verified by a solemn Declaration, to 25 be made by the Clerk or other Person who shall have heretofore received such Fees, or in any Manner interfered therewith, or who may hereafter be appointed to receive the same, or so to interfere therewith, or in keeping such Accounts respectively, or any Part thereof, and which Declaration shall be made before One of the said 30 Justices; and such Clerk or other Person shall pay over the Amount of all such Fees to such Person and in such Manner as the said Chief or Under Secretary shall from Time to Time appoint without any Delay; and the Receiver of the Constabulary, or other Person so appointed, shall at all Times have free Access to the said Books of 35 Account; and such Fees shall be applied towards defraying the Expenses of the Police Establishment of the District of Dublin Metropolis.

*Penalties.*

Fines and  
Penalties  
recoverable

XXIX. All Fines, Penalties, Forfeitures, and Shares of Fines, 40 Penalties, and Forfeitures, by any Law now in force, or hereafter to be

be made payable to the Crown, or to any Person (other than the Informer who shall sue for the same, or the Party aggrieved), and which shall be recoverable by or before any of the said Justices, shall be adjudged to, accounted for, and paid into the Bank of Ireland, to the Credit of the Receiver of the Constabulary in the Account entitled the Dublin Fines and Penalties Account, to be applied towards defraying the Expenses of the Police Establishment of the District of Dublin Metropolis.

before  
Justice to  
be paid for  
the Use of  
the Police.  
2 & 3 Vict.  
c. 78. s. 11.  
48 G. c. 140.  
s. 29.

XXX. All pecuniary Penalties which shall be recovered before any Justice under this Act, for the Application of which no Provision is made in this or any other Act, may respectively be divided and distributed in the Manner following; (that is to say,) *Two Thirds* thereof to the Constabulary, to be placed to the Account of the Public Monies of the Police District, and to be applied accordingly, and the other *One Third* thereof to the Person who shall give Information of the Offence and prosecute the Offender: Provided, that in case the Person who shall so give Information and prosecute shall be at the Time of the Commission of the Offence or of the Hearing of the Complaint employed in the Dublin Metropolitan Police Service, the whole Penalty so forfeited shall be paid to the Purposes of the Police Establishment of the District in manner aforesaid.

Distribution  
of Penalties.  
14 & 15 Vict.  
c. 90., s. 13.

5 Vict.  
Sess. 2. c. 24.  
s. 40.

#### *Civil Jurisdiction.*

XXXI. Upon Complaint by any Person claiming to be entitled to the Property or Possession of Goods detained by any other Person within the Limits of the Police District, the Value of which shall not be greater than *Fifteen* Pounds, and not being Deeds, Muniments, or Papers relating to Property of greater Value than *Fifteen* Pounds, any Justice may summon the Person complained against, and inquire into the Title thereto or to the Possession thereof; and if it shall appear that such Goods have been detained without just Cause, after due Notice of the Claim made by the Person complaining, or that the Person detaining the Goods has a Lien or Right to detain the same by way of Security for the Payment of Money, or the Performance of any Act by the Owner, the Justice may order the Goods to be delivered to the Owner absolutely, or upon Tender of the Amount due by such Owner (which Amount the Justice is hereby authorized to determine), or upon Performance, or upon the Offer and Refusal of the Performance of the Act for the Performance of which the Goods are detained; or if such Act cannot be performed, then upon Tender of Amends for Non-performance thereof, the Nature and Amount of which the Justice is hereby authorized to determine; and every Person who shall neglect or refuse to deliver up the Goods according

Order for  
Delivery  
of Goods  
detained  
from the  
Owner.  
5 Vict.  
Sess. 2. c. 24.  
s. 68.



to such Order shall forfeit to the Party aggrieved the full Value of the Goods, not being greater than the Sum of *Fifteen* Pounds, to be determined by the Justice; but no such Order shall bar any Person from recovering Possession of the Goods or Money so delivered or forfeited by Suit or Action at Law from the Person to whose Possession [the Goods or Money shall come by virtue of such Order, so that such Action shall be commenced within *Six* Months after the Order is made.

Relief  
against  
oppressive  
Distress.  
5 Vict.  
Sess. 2. c. 24.  
s. 67.

XXXII. On Complaint by any Occupier within the Police District of a House or Lodging by the Week or Month, or whereof the Rent does not exceed the Rate of *Fifteen* Pounds by the Year, that his Goods have been taken from him by an unlawful Distress, or that the Landlord, or his Broker or Agent, has been guilty of an Irregularity or Excess in respect of such Distress, any Justice may summon the Party complained against; and if, upon the Hearing of the Matter, it shall appear that such Distress was improperly taken or unlawfully disposed of, or that the Charges made by the Party having distrained or attempted to distrain are contrary to Law, or that the Proceeds of the Sale of the Distress have not been duly accounted for to the Owner, the Justice may order the Distress so taken, if not sold, to be returned to the Tenant or Occupier on Payment, at such Time as the Justice shall appoint, of the Rent which shall appear to be due, or if the Distress shall have been sold, then may order Payment to the Tenant or Occupier of the Value thereof, deducting the Rent due, such Value to be determined by the Justice; and such Landlord or Party complained against, in default of Compliance with such Order, shall forfeit to the Party aggrieved the Value of the Distress, not being greater than *Fifteen* Pounds, to be determined by the Justice.

Certificate of  
Desertion  
of Houses,  
&c. deserted.  
14 & 15 Vict.  
c. 57. s. 71.

XXXIII. Where the Landlord or Lessor of any deserted House, Land, or Tenement within the Police District shall have proceeded by Civil Bill Process for the Recovery of Possession thereof, pursuant to Section Seventy-one of the Act of the Fourteenth and Fifteenth of the Queen, Chapter Fifty-seven, and shall require such Certificate as is by the said Section provided, any one of the said Justices may issue his Warrant to a Sub-Inspector of the District, requiring him to enter into or go upon and view such House, Land, or Tenement; and thereupon such Sub-Inspector shall proceed as the Justices are directed to proceed by the said Section Seventy-one; but, instead of certifying to the Assistant Barrister, shall make a Return to the Warrant, and any such Justice may thereupon transmit the Warrant and Return to the Assistant Barrister or Recorder pursuant to the said Section Seventy-one, which Warrant and Return shall be of the same

same Force and Effect as a Certificate of Two Justices of the Peace pursuant to the said Section Seventy-one.

XXXIV. On Complaint made by any Landlord or Owner of any House, Lodging, or Furniture within the Police District, against any Person who shall have occupied such House as Tenant, Occupier, or Care-taker thereof, that such Person has wilfully or maliciously done any Damage to the Premises, or to any Furniture thereof, not being the Property of the Tenant, Occupier, or Care-taker, any Justice may, on Complaint made thereof within *One Calendar Month* next after the Commission of the Offence or the End of the Tenancy or Occupation, summon the Party complained against; and if, upon the Hearing, it shall appear that the Matter of Complaint has been proved or admitted, such Person shall forfeit and pay such Sum of Money as shall appear to the Justice to be a reasonable Compensation for the Damage done (not exceeding the Sum of *Fifteen Pounds*), to be paid to the Landlord or Party aggrieved.

Compensation for wilful Damage done by Tenants, &c.  
5 Vict. Sess. 2. c. 24. s. 66.

XXXV. All Cesses, Rates, and Taxes authorized by Law to be levied by order of any Justice or Justices of the Peace, and which are due on or payable out of or in respect of Premises wholly or in part situate in the said Police District, may be recovered before any Justice at one of the said Police Courts, although the entire of the Parish, Township, Barony, Townland, or Place subject to or assessed or apportioned for such Cesses, Rates, or Taxes may not be within the District: Provided, that nothing in this Act contained shall be deemed or taken to exempt from Liability to such Cesses, Rates, or Taxes any House, Land, or Tenement, heretofore liable to and duly rated and assessed for the same.

Recovery of Taxes on Premises.  
12 & 13 Vict. c. 91. s. 70.

XXXVI. Every such Justice shall have and exercise all such Powers as were vested in Divisional Justices under the Acts of the Parliament of Ireland of the Thirty-fifth Year of the Reign of King George the Third, Chapter Thirty-six, and the Thirty-sixth Year of His said Majesty's Reign, Chapter Thirty, or any other Act or Acts, in Cases relating to the Business of a Pawnbroker; and whenever, in any Dispute between a Pawnbroker and Borrower concerning any Pawn determined by such Justice, any Money shall be awarded to be paid, in case of Nonpayment such Justice may, by Warrant under his Hand and Seal, cause the Money awarded to be levied by Distress and Sale of the Goods of the Person who shall be ordered to pay, and for Want of sufficient Goods such Justice may, by like Warrant, commit such Person to the Common Jail for any Period not exceeding *One Calendar Month*, or until such Sum shall be sooner paid.

Disputes between Pawn-brokers and Borrowers.  
48 G. 3. c. 140. s. 70.  
Justices may determine between Pawn-brokers and Borrowers, and levy Award.  
5 G. 4. c. 102. s. 22.



Disputes  
between  
Watermen  
and others to  
be settled by  
a Justice.

5 Vict.

Sess. 2. c. 24.  
s. 65.

XXXVII. All Differences which shall happen between any Barge-  
men, Lightermen, Watermen, Ballastmen, Coalwhippers, Coalporters,  
Sailors, Lumpers, Riggers, Shipwrights, Caulkers, or other Labourers  
who work for Hire in or upon the River Liffey or Harbour of Kings-  
town, or the Docks, Creeks, Wharfs, Quays, or Places adjacent, and 5  
the Owners, Masters, or Commanders of Vessels, or their Agents,  
on the said River or Harbour, or the Docks or Creeks thereunto  
adjoining, or the Owners, Wharfingers, or Occupiers of such Wharfs  
or Quays, or their Agents, or other Employers, respecting Wages or  
Money due to such Labourers for Work or Loss of Time, whether the 10  
same Persons be employed for any certain Time, or in any other  
Manner, may be heard and determined by any of the said Justices;  
and every such Justice is hereby empowered to make such Order for  
Payment of so much Wages or Money to such Labourer as to the  
Justice shall seem just, provided that the Sum ordered do not exceed 15  
*Five Pounds*, besides all reasonable Costs attending the Prosecution  
of the Complaint.

*Police Offences and Regulations within the District.*

Summary  
Jurisdiction  
Act  
incorporated  
with this  
Act.

Incorpora-  
tion of Town  
Police  
Clauses as  
to Obstruc-  
tions in  
Streets,  
Fires,  
Bathing, and  
Places of  
Public  
Resort.

XXXVIII. The Summary Jurisdiction (Ireland) Act, 1851, and  
this Act, shall be construed as One Act so far as relates to the 20  
Police District of Dublin Metropolis.

XXXIX. The Provisions of "The Town Police Clauses Act, 1847,"  
with respect to "Obstructions and Nuisances in the Streets," "Fires,"  
"Places of Public Resort," and "Bathing," shall be incorporated with  
and form Part of this Act, and the Word "Street" therein shall be 25  
construed to mean any Street or Public Road; the Word "Commis-  
sioner" shall mean the Inspector General of the Constabulary or the  
City Inspector; the Term "Superintendent Constable" shall mean  
Sub Inspector of Constabulary.

*Nuisances.*

Penalty on  
Persons  
committing  
any of the  
Offences  
herein  
named.  
5 Vict.  
Sess. 2. c. 24.  
s. 11.

Negligent  
Driving of  
Cattle.

2 & 3 Vict.  
c. 47, s. 54.  
(London  
Act.)

XL. Every Person who within the District commits any of the 30  
following Offences shall be liable to a Penalty not exceeding *Ten*  
*Shillings* for each Offence, or, in the Discretion of the Justice before  
whom he is convicted, may be committed to Prison, there to remain  
for a Period not exceeding *Fourteen* Days; and any Constable may  
take into Custody, without Warrant, and forthwith convey before a 35  
Justice, any Person who, within his View, commits any such Offence;  
(that is to say,)

Every Person who, by Negligence or Ill-usage in driving Cattle,  
shall cause any Mischief to be done by such Cattle, or who shall  
in anywise Misbehave himself in the Driving, Care, or Manage- 40  
ment of such Cattle; and also every Person who, not being  
hired

hired or employed to drive such Cattle, shall wantonly and unlawfully pelt, drive, or hunt any such Cattle :

- 5 Every Person who shall use any threatening, abusive, or insulting Words or Behaviour with Intent to provoke a Breach of the Peace, or whereby a Breach of the Peace may be occasioned: Language to provoke the Breach of Peace.
- 10 Every Person who shall blow any Horn or use any other noisy Instrument for the Purpose of hawking, selling, or distributing any Article whatsoever: Blowing Horns. 1 Vict. c. 25. s. 22.
- 15 Every Person who, without the Consent of the Owner or Occupier, or, in respect of Public Property, without the Consent of the Person or Persons authorized to give the same, shall affix any Posting Bill or other Paper against or upon any Building, Wall, Fence, or Pale or write upon, soil, deface, or mark any such Building, Wall, Fence, or Pale, with Chalk or Paint, or in any other Way whatsoever, or wilfully break, destroy, or damage any Part of any such Building, Wall, Fence, or Pale, or any Fixture or Appendage thereunto, or any Tree, Shrub, or Seat in any public Walk, Park, or Garden, or shall maliciously trespass upon or injure any public Property: Posting Bills. 2 & 3 Vict. c. 47. s. 54. (London Act.)
- 20 Every Person who, at any Theatre or other Place of public Resort, shall unlawfully and maliciously disturb the Tranquillity and good Order among Her Majesty's peaceable Subjects there assembled, or who shall encourage and endeavour to instigate or prevail on any other Persons to disturb the public Peace, or to injure or annoy any of the Persons so assembled in Person or Property: Disturbing Theatres.
- 25 Every Person who shall empty, or begin to empty, any Privy, between the Hours of *Six* in the Morning and *Twelve* at Night, or remove along any Thoroughfare any Nightsoil, Soap-lees, Ammoniacal Liquor, or other such offensive Matter, between the Hours of *Six* in the Morning and *Eight* in the Evening, or who shall at any Time use for any such Purpose any Cart or Carriage not having a proper Covering, or who shall wilfully or carelessly slop or spill any such offensive Matter in the Removal thereof, or who shall not carefully sweep and clean every Place in which any such offensive Matter shall have been placed, slopped, or spilled; and in default of the Apprehension of the actual Offender the Owner of the Cart or Carriage employed for any such Purpose shall be deemed to be the Offender: Provided that this Enactment shall not be construed to prevent any Person who may be employed in paving, lighting, and cleansing Streets within the Metropolitan Police District, or any Persons acting in that respect, from emptying or removing along any Thoroughfare, at any Time whatever, the Contents of any Sewer which they are authorized to cleanse or empty: Emptying Privies. 2 & 3 Vict. c. 47. s. 60. (London Act.)
- 30
- 35
- 40
- 45



Occupier not  
keeping  
Footway  
swept.

Every Occupier of a House or other Tenement in any Street or on any Public Road within the said District who shall not keep sufficiently swept and cleansed all Footways and Water-courses adjoining the Premises occupied by him; and if any Tenement be empty or unoccupied, the Owner thereof shall be 5 deemed the Occupier with reference to this Enactment.

Impounding  
and Sale of  
Obstruc-  
tions.

XLI. Any Constable may seize and convey to the Common Pound, or to any Livery Stable, any Car, Cart, Carriage Furniture, Hay, Straw, Fruit, Vegetables, or other Article whatsoever, which shall be found to obstruct any Street, public Thoroughfare, or 10 Footway, and shall not be removed after due Caution being given to the Owner or Owners, or other Person or Persons having Charge thereof; and it shall be lawful for any Justice of the Police District to direct that the same shall be sold (if unclaimed or not redeemed) in the Manner by the "Petty Sessions (Ireland) Act, 1851," directed 15 respecting Animals found wandering and impounded.

Negligent or  
wilful Mis-  
behaviour of  
Drivers of  
Carriages,  
&c. in the  
Streets or  
Highways.  
1 Vict. c. 25.  
s. 23.

XLII. If the Driver of any Carriage or Vehicle whatsoever, or any Person riding, shall, by Negligence, wilful Misbehaviour, or any other Misconduct, cause any Hurt or Damage to any Person or Property being upon any Street or Highway, or if the Driver 20 of any Carriage or Vehicle whatever shall wilfully be at such Distance from such Carriage or Vehicle that he cannot have the Direction and Government of any Horse or Horses drawing the same, not having employed some proper Person to take care of the same, or shall, by Negligence, wilful Misbehaviour, or any other Misconduct, interrupt 25 the free Passage of any other Carriage or Vehicle, or of Her Majesty's Subjects, or shall obstruct any Street or Highway, or any Crossing therein, or the Approach or Access to any House or Shop, and being required by any Constable or Sub-Constable to pass on or move, shall continue to obstruct the same, every Person so offending in any 30 of the Cases aforesaid within the said District, and being convicted by any Justice of any such Offence, shall, for every such Offence, forfeit any Sum not exceeding *Forty Shillings*, and in default of Payment of such Penalty, and of such Compensation, if ordered, together with the Costs attending such Conviction, immediately, or 35 within such Time as such Justice shall appoint, such Justice shall and may commit such Offender to the Common Gaol, to be there imprisoned for any Term not exceeding *One Month*, unless such Penalty, together with the Costs and Compensation, if ordered, be sooner paid; and every such Offender shall and may, by the Authority 40 of this Act, with or without any Warrant, be apprehended by any Person who shall see such Offence committed, and shall be immediately conveyed

Penalty not  
exceeding  
Forty Shil-  
lings.

conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace.

XLIII. All the Powers heretofore given to the late Commissioners for paving, cleansing, and lighting the City of Dublin, or to any One or more of them, of hearing and determining any Complaint for any Offence against the Provisions of the Act of the Forty-seventh Year of the Reign of King George the Third, Chapter One hundred and nine, and of imposing any Fine or Penalty thereon, and enforcing the same, and of summoning the Parties and Witnesses thereon, shall be exercised by each of the Justices at the Police Court of the Division in which the Matter of the said Complaint shall have arisen; and all the Powers given in and by the said Act to any Inspector, Constable, or other Person appointed by the said late Commissioners for the Removal or Suppression of Nuisances, or the Apprehension of Persons committing any Offence, shall be exercised by the Constables of the Police within the Police District; and every such Constable shall, for those Purposes, have all the Powers, Authorities, and Privileges which by the said Act are given to the Inspectors, Constables, and other Persons appointed by the said late Commissioners.

Powers of Commissioners of Paving transferred to Justices.  
1 Vict. c. 25. s. 24.

XLIV. If any Person shall suffer his Dwelling House or Premises to be kept in a filthy and unwholesome State, or permit or suffer any Accumulation of offensive or noxious Matter, Refuse, Dung, or Offal, or any offensive Drain, Privy, or Cesspool to be and remain a common Nuisance in or upon the Dwelling House and Premises occupied by such Person, prejudicial to the Health of the Persons whose Habitations are in the Neighbourhood of such House or Premises, such Person shall be liable to a Penalty not exceeding *Forty Shillings* for each Offence; and if any Constable shall have reasonable Grounds to suspect and believe that any such common Nuisance exists or is maintained in or upon any such Dwelling House or Premises, it shall be lawful for such Constable, without Warrant, at all reasonable Hours, to enter into and search such Dwelling House and Premises; and, in case of the Existence of any such Nuisance, the said Constable shall forthwith lay a Complaint before One of the said Justices touching the said Offence.

Power to abate dangerous Nuisances.  
9 & 10 Vict. c. 96. s. 1.

XLV. No Shop, Room, Cellar, or Place of public Resort, where ready-made Coffee, Tea, or other Liquors are sold or consumed, within the Police District, shall be kept open after the Hour of *Twelve* at Night during any Part of the Year, nor open before the Hour of *Five* in the Morning; and no Shop, Room, Cellar, or Place of public Resort, where any Refreshments or any Liquors not subject to any Duties of Customs or Excise are consumed, within the said District,

Regulations as to Coffee Shops or Cellars, &c.  
1 Vict. c. 25. s. 21.



shall be kept open after the Hour of *One* in the Morning or before the Hour of *Five* in the Morning; and if any such Shop, Room, Cellar, or Place shall be open within the Hours herein-before respectively prohibited, or being shut up, if any Person shall during those Hours respectively be found therein, except the Persons actually 5 dwelling there, or having lawful Excuse for being there, or if Gaming shall be at any Time permitted or suffered therein, then the Master, Mistress, Waiter, or other Person having the Care, Government, or Management of such Shop, Room, Cellar, or Place, whether he or she be the real Owner or Keeper thereof or not, shall forfeit and pay 10 any Sum not exceeding *Five Pounds* upon Conviction of such Offence before a Justice, or, at the Discretion of the Justice, may be imprisoned and kept to Hard Labour in the Common Gaol for any Space of Time not exceeding *One Month*: Provided, that nothing herein contained shall apply to any House duly licensed for the Sale 15 of Wines and Spirituous Liquors; and that no such Conviction shall exempt the Owner, Keeper, or Manager of any such Shop, Room, Cellar, or Place from any Penalty or penal Consequence whereto he or she may be liable for keeping a disorderly House.

Regulations  
respecting  
Public  
Houses to  
extend to  
other Houses  
of public  
Resort.  
5 Vict. c. 24.  
s. 7.

XLVI. Every Person who shall have or keep any House, Shop, 20 Room, or Place of public Resort within the District, wherein Provisions, Liquors, or Refreshments of any kind shall be sold or consumed (whether kept or retailed therein or procured elsewhere), and who shall wilfully or knowingly permit Drunkenness or other disorderly Conduct in such House, Shop, Room, or Place, or knowingly 25 suffer any unlawful Games or any Gaming whatsoever therein, or knowingly permit or suffer Prostitutes or Persons of notoriously bad Character to meet together and remain therein, or shall allow, permit, or suffer Music or Dancing in such Places as aforesaid, or in Premises thereto belonging, on Sundays, shall for every such Offence be liable 30 to a Penalty of not more than *Five Pounds*: Provided, that if the Offender be a Licensed Victualler, or licensed to sell Beer by Retail to be drunk on the Premises, this Enactment shall not be construed to exempt him from the Penalties or penal Consequences to which he may be liable for committing an Offence against the Tenor of the 35 Licence to him granted.

Suppression  
of Gaming  
Houses  
5 Vict.  
Sess. 2. c. 24.

XLVII. If any Sub-Inspector of the District shall report in Writing to the Inspector General of the Constabulary that there are good Grounds for believing any House or Room within the District to be kept or used as a common Gaming House, and if *Two* or more 40 Householders resident within the District and not belonging to the Constabulary shall make Oath in Writing before a Justice of the District that the Premises complained of by the Sub-Inspector are commonly

commonly reported and are believed by the Deponents to be kept or used as a common Gaming House, the Inspector General may, by Order in Writing; authorize the Sub-Inspector to enter any such House or Room with such Constables as shall be directed to accompany him, and, if necessary, to use Force to effect such Entry, whether by breaking open Doors or otherwise, and to take into Custody all Persons found therein, and to seize and destroy all Tables and Instruments of Gaming found in such House or Premises, and also to seize all Money and Securities for Money found therein; and the Owner or Keeper of such Gaming House shall be liable to a Penalty not exceeding *One hundred Pounds*, or, in the Discretion of the Justice before whom he shall be convicted, may be committed to the House of Correction, with or without Hard Labour, for a Period not exceeding *Six Months* and upon the Conviction of any such Offender all the Monies and Securities for Money seized as aforesaid shall be paid over for the Use of the Constabulary, to be applied towards defraying the Expense of the Force of the District; and every Person found in such House or Premises without lawful Excuse shall be liable to a Penalty not exceeding *Five Pounds*: But nothing herein mentioned shall prevent any Proceeding by Indictment against the Owner or Keeper, or other Person having the Care or Management of any Gaming House, provided that no Person shall be proceeded against by Indictment, and also under this Act, for the same Offence.

XLVIII. In any Information for Gaming, or suffering any Games or Gaming in, or for keeping or being concerned in the Management or Conduct of a common Gaming House under this Act, it shall not be necessary to prove that any Person found playing at any Game was playing for any Money, Wager, or Stake.

Proof of Money Wager not necessary.  
5 Vict. c. 24. s. 10.

XLIX. If any Person, with Intent to exercise any Trade or Calling, shall set up or place, or begin or prepare to set up or place, any Booth, Stall, Tent, or other temporary Erection, or bring any Travelling Show, Van, or other such moveable Exhibition, in or to any Place within the Police District, not being a bonâ fide Racecourse or lawful and established Fair or Market, regularly and properly held, and shall decline or neglect to remove the same when thereunto requested by any Constable, or shall assist or be present at and take part in holding any unlawful Fair or Market at any such Place, and shall not leave the same on being requested by any Constable, such Person may be forthwith taken into Custody by any Constable, and shall be liable, on Conviction by any Justice of such Offence, to a Penalty not exceeding *Ten Pounds*, and on such Refusal or Neglect any Constable may take down or remove such Booth, Stall, Tent, Travelling Show, Van, or Exhibition; and any Person who, without lawful Authority

Illegal Erection of Booths and Fairs.



in that Behalf, shall hold or permit to be held on his Ground any Fair or Market shall be liable, on Conviction thereof by any Justice, to a Penalty of *Fifty Pounds*.

Fairs within the District inquired into, and if declared unlawful, Booths, &c. may be removed.

2 & 3 Vict. c. 47. s. 39. (London Act.)

L. If it shall appear to the Inspector General or to the City Inspector of the Constabulary that any Fair has been held within the District without lawful Authority, or that any Fair lawfully held within the District has been held for a longer Period than is warranted, he may summon the Owner or Occupier of the Ground upon which such Fair has been held to appear before a Justice at a Time and Place specified in the Summons, not less than *Eight Days* after the Service of the Summons, to show his Right and Title to hold such Fair, or to hold such Fair beyond a given Period (as the Case may be) ; and if such Owner or Occupier shall not attend in pursuance of such Summons, or shall not show to the Justice who shall hear the Case sufficient Cause to believe that such Fair has been lawfully held for the whole Period during which the same has been usually held, the Justice shall declare in Writing such Fair to be unlawful, either altogether or beyond a stated Period (as the Case may be) ; and the Inspector General or City Inspector shall give notice of such Declaration by causing Copies thereof to be affixed on the Parish Church and on other public Places in and near the Ground where such Fair has been usually held ; and if, after such Notices have been affixed for the Space of *Six Days*, any Attempt shall be made to hold such Fair if it shall be declared altogether unlawful, or to hold it beyond the prescribed Period if it shall be declared unlawful beyond a certain Period, the Inspector General or City Inspector may direct any Constable to remove every Booth, Standing, and Tent, and every Vehicle of whatsoever Kind, conveyed to or being upon the Ground for the Purpose of holding or continuing such Fair, and take into Custody every Person erecting, pitching, or affixing, or assisting to erect, pitch, or fix any such Booth, Standing, or Tent, and every Person driving, accompanying, or conveyed in every such Carriage, and every Person resorting to such Ground with any Show or Instrument of Gambling or Amusement ; and whosoever shall be guilty of doing any of the Acts by virtue of this Act prohibited or declared unlawful, shall be liable to a Penalty not exceeding *Ten Pounds* for every such Offence.

Publicans supplying Liquors to Persons under Sixteen Years of Age.

5 Vict. c. 24. s. 6.

LI. If any Person licensed to deal in excisable Liquors within the District shall knowingly supply any Sort of distilled exciseable Liquor to any Boy or Girl apparently under the Age of *Sixteen Years*, to be drunk upon the Premises, such Person shall be liable to a Penalty of not more than *Twenty Shillings*, and upon Conviction of a Second Offence shall be liable to a Penalty of not more than

*Forty*

*Forty Shillings*, and upon Conviction of a Third Offence shall be liable to a Penalty of not more than *Five Pounds*, and in default of Payment may be imprisoned for any Period not exceeding *Fourteen Days*.

5

- LII. Every Person wandering abroad, or placing himself or herself in any public Place, Street, Highway, Court, or Passage within the District, to beg or gather Alms, or causing or encouraging any Child to do so, may, without Warrant, be arrested by any Constable, and upon being convicted of any such Offence before any Justice be committed to the Common Gaol, with or without Hard Labour, for any Time not exceeding *One Calendar Month*; and the Justice before whom such Person shall be so convicted may order that any Money found on the Person of such Vagrant or Beggar shall be handed to the Board of Superintendence of the Gaol in which he or she shall be confined, and such Money, or so much of it as shall be sufficient for the Purpose, shall be appropriated to the Subsistence of such Vagrant or Beggar during such Imprisonment, returning the Residue (if any) to such Beggar or Vagrant on his or her Discharge.

Arrest of Vagrants and Beggars; and Money found on, applied to their Support.

- LIII. If any Person in the District shall, with Intent to defraud any other Person, wilfully forge or counterfeit the Signature of any other Person, or sign any false Name to any pretended Subscription List, purporting to be for a charitable Purpose, or assume any false Name, or knowingly have in his Possession any such Subscription List, or any Document with any forged or false Signature thereto, or wilfully publish any such Subscription List or Document, or any false Statement of pretended Disasters and Calamities, or make use of any false Pretence or false Representation whatsoever, with Intent fraudulently to procure any Sum of Money or other Thing, or by such Means shall obtain any Money or other Thing, such Person so offending, and being thereof convicted before any Justice, shall be liable to pay a Penalty not exceeding *Five Pounds*, or, in the Discretion of the Justice, be imprisoned in the Common Gaol, with or without Hard Labour, for any Term not exceeding *Three Calendar Months*.

Impostors obtaining or soliciting Money by fabricated Declarations or Statements, may be dealt with summarily.

- LIV. Every Person who within the District shall, for the Purpose of protecting or preventing anything whatsoever from being seized within the Police District, on Suspicion of its being stolen, or otherwise unlawfully obtained, or of preventing the same from being produced or used as Evidence concerning any Felony or Misdemeanor committed or supposed to be committed within the Police District, frame or cause to be framed any Bill of Parcels containing any false Statement in regard to the Name or Abode of any alleged Vendor, the Quantity or Quality of any such Thing, the Place whence, or the

Framing a false Bill of Parcels.  
5 Vict.  
Sess. 2. c. 24.  
s. 5.



Conveyance by which the same was furnished, the Price agreed upon or charged for the same, or any other Particular, knowing such Statement to be false, or who shall fraudulently produce such Bill of Parcels, knowing the same to have been fraudulently framed, shall, on Conviction thereof, be deemed guilty of a Misdemeanor. 5

Cutting  
Ropes,  
Cables, &c.  
5 Vict.  
Sess. 2. c. 24.  
s. 18.

LV. Every Person who shall, within the District, unlawfully cut, damage, or destroy any of the Ropes, Cables, Cordage, Tackle, Headfasts, or other the Furniture of or belonging to any Ship, Boat, or Vessel lying in the River Liffey, Harbour of Dublin, or Harbour of Kingstown, or in any of the Docks or Creeks adjacent thereto respectively, with intent to steal or otherwise unlawfully obtain the same, or any Part thereof, shall, on Conviction thereof, be deemed guilty of a Misdemeanor. 10

Possessing  
Instruments  
for unlaw-  
fully carry-  
ing away  
Wine, &c.  
5 Vict.  
Sess. 2. c. 24.  
s. 20.

LVI. Every Person who shall be found, within the Police District, in or upon any Canal, Dock, Warehouse, Wharf, Quay, or Bank, or on board any Ship or Vessel, having in his Possession any Tube or other Instrument for the Purpose of unlawfully obtaining any Wine, Spirits, or other Liquor or having in his or her Possession any Skin, Bladder, or other Material or Utensil, for the Purpose of unlawfully using, secreting, or carrying away any such Wine, Spirits, or other Liquor, and any Person who shall attempt unlawfully to obtain any such Wine, Spirits, or other Liquor, shall, on Conviction thereof, be deemed guilty of a Misdemeanor. 15 20

Piercing  
Casks, open-  
ing Pack-  
ages, &c.  
5 Vict.  
Sess. 2. c. 24.  
s. 21.

LVII. Every Person who shall, within the Police District, bore, pierce, break, cut open, or otherwise injure any Cask, Box, or Package containing Wine, Spirits, or other Liquor, on board any Ship, Boat, or Vessel, or in or upon any Warehouse, Wharf, Quay, or Bank, with intent feloniously to steal, or otherwise unlawfully obtain any Part of the Contents thereof, or who shall unlawfully drink or wilfully spill, or allow to run waste, any Part of the Contents thereof, shall, on Conviction, be deemed guilty of a Misdemeanor. 25 30

Breaking  
Casks, &c.  
with intent  
to spill Con-  
tents.  
5 Vict.  
Sess. 2. c. 24.  
s. 22.

LVII. Every Person who shall, within the Police District, wilfully cause to be broken, pierced, started, cut, torn, or otherwise injured, any Cask, Chest, Bag, or other Package containing or prepared for containing any Goods while on board of any Barge, Lighter, or other Craft lying in the River Liffey, or either of the said Harbours, or any Dock, Creek, Quay, Wharf, or Landing-place adjacent to the same, or in the Way to or from any Warehouse, with Intent that the Contents of such Packages, or any Part thereof, may be spilt or dropped from such Package, shall, on Conviction, be deemed guilty of a Misdemeanor. 35 40

LIX. The

LIX. The Provisions of the Act of the Sixteenth Year of the Queen, Chapter Thirty, Section One, for the Prevention and Punishment of aggravated Assaults upon Women and Children, shall apply to the Police District of Dublin Metropolis, as if the Word "Metropolis" in the said Section had been "Police District of Dublin Metropolis."

Aggravated  
Assaults on  
Females and  
Children.

16 Viet.  
c. 30. s. 1.

LX. If any Person shall unlawfully assault or resist any Constable or other Person belonging to the Metropolitan Police Force in the Execution of his Duty, or shall aid or incite any Person so to assault or resist any such Constable or other Person, every such Person shall, on Conviction thereof, be liable to a Fine not exceeding the Sum of *Five Pounds*, or to be imprisoned for a Term not exceeding *Three Months*.

Assaulting  
Constables.

6 & 7 W. 4.  
c. 29. s. 9.

LXI. If any Person within the District shall have in his Possession any Goods, and, after receiving a Notice of such Goods being stolen, with a Description thereof, shall wilfully omit or refuse to make Discovery to a Justice of the Division in which such Person shall reside of so having the same, and of the Person or Persons from whom such Person received them, or shall, on being duly required by Notice in Writing signed by any Justice, neglect or omit to attend at the Police Court at such Time as shall be mentioned in such Notice, or refuse to be examined concerning the same, or, upon Requisition made by any Constable to produce such Goods, shall omit or refuse so to do, such Person shall, upon being convicted thereof, forfeit a Sum not exceeding *Five Pounds*, and the Value of the Goods; and if such Person shall not pay such Penalty he shall be committed to the Common Gaol for any Time not exceeding *One Calendar Month*.

Production of  
stolen Goods  
on Notice  
Discovery  
from whom  
received.

48 G. 3.  
c. 140. s. 51.

LXII. If any Person shall be charged with having in his Possession, or on his Premises with his Knowledge, or shall be charged with conveying in any Manner, anything which he may reasonably have suspected to have been stolen or unlawfully obtained, and shall not give an Account to the Satisfaction of a Justice how he came by the same, such Person shall be deemed guilty of a Misdemeanor, and, on Conviction thereof, shall be liable to a Penalty of not more than *Five Pounds*, or, in the Discretion of the Justice, may be imprisoned, with or without Hard Labour, for any Time not exceeding *Two Calendar Months*.

Persons con-  
victed of  
having or  
conveying  
stolen Goods  
liable to  
Penalty or  
Imprison-  
ment.

48 G. 3.  
c. 140. s. 49.

LXIII. When any Person charged with having anything stolen or unlawfully obtained shall declare that he received the same from some other Person, or that he was employed as a Carrier, Agent, or

Conviction  
of Party  
from whom  
stolen Goods



are received.  
5 Vict.  
Sess. 2. c. 24.  
s. 55.

Servant to convey the same for some other Person, the Justice shall cause such Person, and also, if necessary, any former or pretended Purchaser or other Person through whose Possession the same shall be alleged to have passed, to be brought before him and examined, and may examine Witnesses upon Oath touching the same; and if it shall appear to such Justice that any such Person having had Possession of such Thing had reasonable Cause to believe it to have been stolen or unlawfully obtained, every such Person shall be deemed to have had Possession of the Thing at the Time and Place when and where the same shall have been found or seized, and the Possession of the Carrier, Agent, or Servant shall be deemed to be the Possession of the Person who shall have employed such other Person to convey the same, and every such Person shall be deemed guilty of a Misdemeanor, and, on being convicted thereof, shall be liable to a Penalty of not more than *Five Pounds*, or, in the Discretion of the Justice, may be imprisoned, with or without Hard Labour, for any Time not exceeding *Two Calendar Months*.

Order for  
Delivery of  
stolen Goods  
to Owner.  
5 Vict.  
Sess. 2. c. 24.  
s. 56.

LXIV. If any Goods shall be stolen or unlawfully obtained from any Person, or, being lawfully obtained, shall be unlawfully deposited, pawned, pledged, sold, or exchanged, and Complaint shall be made thereof, and that such Goods are in the Possession of any Broker, Dealer in Marine Stores, or other Dealer in Second-hand Property, or of any Person who shall have advanced Money upon the Credit of such Goods within the District, a Justice may issue a Summons or Warrant for the Appearance of the Broker or Dealer, and for the Production of the Goods, and order such Goods to be delivered up to the Owner, either without any Payment, or upon Payment of such Sum and at such Time as the Justice shall think fit; and every Broker or Dealer who, being so ordered, shall refuse or neglect to deliver up the Goods, or who shall dispose of or make away with the same after Notice that such Goods were stolen or unlawfully obtained as aforesaid, shall forfeit to the Owner of the Goods the full Value thereof, to be determined by the Justice; provided that no such Order shall bar any Broker or Dealer from recovering Possession of the Goods, or the Value thereof, by Suit or Action at Law, from the Person into whose Possession they may come by virtue of the Justice's Order.

Order for  
Delivery of  
Goods  
charged in  
Custody of  
Constables.  
5 Vict.  
Sess. 2. c. 24.  
s. 57.

LXV. If any Goods or Money charged to be stolen or fraudulently obtained shall be in the Custody of any Constable by virtue of any Warrant, or in prosecution of any Charge of Felony or Misdemeanor in regard to the obtaining thereof, and the Person charged with stealing or obtaining Possession of the Goods or Money shall not be found, or shall have been summarily convicted or discharged, or

or shall have been tried and acquitted, or if such Person shall have been tried and found guilty, but the Property so in Custody shall not have been included in the Indictment or Charge on which he shall have been found guilty, in any of these Cases a Justice may order  
 5 the Delivery of the Goods or Money to the Party who shall appear to be the rightful Owner, or in case the Owner cannot be ascertained then shall make such Order with respect to the Goods or Money as to the Justice shall seem right: Provided, that such Order shall not bar the Right of any Person to sue the Party to whom the Goods or  
 10 Money shall be delivered, and to recover such Goods or Money from him by Action at Law, so that such Action shall be commenced within *Six* Calendar Months next after the Order is made.

LXVI. If Information shall be given on Oath to any Justice that there is reasonable Cause for suspecting that any shipwrecked Goods,  
 15 or anything stolen or unlawfully obtained, is concealed or lodged in any Dwelling House or other Place, such Justice may, by Warrant under his Hand directed to any Constable, cause such Dwelling House or other Place to be entered and searched at any Time of the Day or by Night, if Power for that Purpose be given by the Warrant, and  
 20 the Justice, if it shall appear to him necessary, may empower such Constable, with such Assistance as may be found necessary, to use Force for the effecting of such Entry, whether by breaking open Doors or otherwise, having previously made known such his Authority; and if upon Search made such Thing shall be found, then to  
 25 convey the same before a Justice, or to guard the same on the Spot until the Offenders are taken before a Justice, or otherwise to dispose thereof in some Place of Safety, and moreover, to take into Custody, and carry before the Justice every Person found in the House or Place who shall appear to have been privy to the Deposit of the  
 30 Thing, knowing or having reasonable Cause to suspect the same to have been stolen or otherwise unlawfully obtained.

Search Warrants for Goods stolen or unlawfully obtained, and Detention of the same.  
 5 Vict. Sess. 2. c. 24. s. 54.

LXVII. Any Constable duly authorized thereto by the Warrant of a Justice granted upon Information on Oath may break open any Dwelling House, Outhouse, Shop, Warehouse, Cellar, or other Place  
 35 named in the Warrant and not opened on Demand, after due Notice of such Warrant, in order to search for Traitors or Felons, or Accessories to any Traitors or Felons, or Receivers of stolen Goods, or to search for any Goods or other Things stolen or feloniously taken or carried away.

Search Warrant for Felons, &c.  
 48 G. 3. c. 140. s. 46. 5 G. 4. c. 102. s. 13.

40 LXVIII. Any Constable thereto duly authorized by the Warrant of a Justice may search all suspected Places in such Warrant mentioned for concealed Arms; and if such Constable shall thereupon  
 [136.] C 4 find

Constables to search for concealed Arms.  
 48 G. 3. c. 140. s. 52.



find any Arms in the Possession of any Person not qualified or entitled by Law to have the same, he shall seize and carry the same to the Police Court of the Division in which such Arms shall be so found; and the Justices of such Division are required to send such Arms so seized to Her Majesty's Arsenal to be applied to the Use 5 of Her Majesty; and the Person in whose Possession the Arms shall be so found shall, if required by the Justice, find Sureties for his good Behaviour for any Period not exceeding *Two* Years, or shall be committed to Prison until he shall give such Security: Provided no such Warrant shall be granted except on Information upon the Oath 10 of One or more credible Witnesses that to the best of their Knowledge and Belief such Person is unlawfully in possession of Arms as aforesaid.

Warrant,  
&c. may be  
executed out  
of District  
by any Con-  
stable.  
5 Vict.  
Sess. 2. c. 24.  
s. 48.

LXIX. Every Distress or Levy Warrant, or Search Warrant, or Warrant to compel the Appearance of any Person, or for the Appre- 15 hension of any Person charged with any Offence arising within the Police District, or within the Counties of Dublin, Wicklow, Kildare, or Meath, may be served or executed out of the said District by any Officer, Head or other Constable, to whom the same shall be directed and shall have the same Force and Effect as if it had been originally 20 issued or subsequently indorsed by a Justice or Justices of the Peace having Jurisdiction in the Place where the same shall be served or executed, and all Gaolers and Keepers of Prisons are hereby authorized and directed to receive into their Custody such Person, when appre- 25 hended or in Custody under or by virtue of such Warrant, and him in safe Custody to keep until transmitted to the Metropolitan Police District.

48 G. 3.  
c. 140. s. 31.

Power of  
Constables  
upon the  
Liffey, &c.  
5 Vict.  
Sess. 2. c. 24.  
s. 19.

LXX. Every Constable of the Metropolitan Police District shall have all the Powers and Privileges of a Constable upon the River Liffey within or adjoining to the District, or the several Counties 30 of Dublin, Kildare, and Wicklow, and in and on the Harbour of Dublin and Harbour of Kingstown, and the Docks or Creeks adjacent thereto, or within *Ten* Miles thereof, and any such Constable may take into Custody any Person who, for the Purpose of preventing the Seizure or Discovery of anything belonging to, or having been unlaw- 35 fully obtained from, or having been Part of the Cargo of any Ship, Boat, or Vessel lying in the River Liffey, Harbour of Dublin, or Harbour of Kingstown, or the Docks or Creeks adjacent thereto, or within *Ten* Miles thereof respectively, shall wilfully let fall or throw into the said River, or any of the said Docks or Creeks, or in any 40 other Manner convey away from any Ship, Boat, or Vessel, Wharf, Quay, or Landing Place, any such Thing, or who shall be accessory to any such Offence, and also seize and detain any Boat in which such

such Person shall be found, or out of which any such Thing shall be so let fall, thrown, or conveyed away; and every such Person committing the Acts last aforesaid, or being an Accessory thereto, shall be deemed guilty of a Misdemeanor.

- 5 LXXI. Every Inspector, Sub-Inspector, and Head Constable shall have Power by virtue of his Office to enter at all Times, as well by Night as by Day, with such Constables or Sub-Constables as he shall think necessary, every Ship, Boat, or other Vessel (not being then actually employed in Her Majesty's Service) lying in the River  
 10 Liffey, or any of the Harbours, Docks, and Creeks, and every Part of every such Vessel, for the Purpose of inspecting, and upon Occasion directing the Conduct of any Constable who may be stationed on board of any such Vessel, and of inspecting and observing the Conduct of all other Persons who shall be employed on board  
 15 of any such Vessel in or about the lading or unlading thereof, as the Case may be, and for the Purpose of taking all such Measures as may be necessary for providing against Fire and other Accidents, and preserving Peace and good Order on board of any such Vessel; and for the more effectual Prevention of the Existence of any common  
 20 Nuisance dangerous or prejudicial to Health, every such Inspector, Sub-Inspector, or Head Constable, with such Constables as aforesaid, shall have Authority to enter every such Ship, Boat, or other Vessel, in order to enforce and carry into effect against the Owner, Master, or other Person having the Charge of such Vessel as aforesaid the  
 25 Provisions respecting Nuisances herein-before contained touching such Matters and Things.

Boarding  
Vessels.  
5 Vict.  
Sess. 2.  
c. 24. s. 23.

- LXXII. Every Inspector, Sub-Inspector, and Head Constable, having just Cause to suspect that any Felony has been or is about to be committed on board of any Ship, Boat, or other Vessel lying in  
 30 the said River, or any of the said Harbours, Docks, and Creeks, may enter at all Times, as well by Night as by Day, every such Ship, Boat, or other Vessel, and therein take all necessary Measures for the effectual Prevention or Detection of all Felonies which he has just Cause to suspect to have been or to be about to be committed in or  
 35 upon the said River or Harbours, Docks or Creeks, and take into Custody all Persons suspected of being concerned in such Felonies, and also take charge of all Property so suspected to be stolen.

Arrest of  
suspected  
Felons on  
board Ves-  
sels.  
5 Vict.  
Sess. 2.  
c. 24. s. 24.

- LXXIII. Any Person found committing any Offence punishable either upon Indictment or as a Misdemeanor upon summary Con-  
 40 viction may be taken into Custody without a Warrant by any Constable, or may be apprehended by the Owner of the Property on or with respect to which the Offence was committed, or by his Servant,

Apprehen-  
sion of cer-  
tain Offen-  
ders without  
Warrant.  
5 Vict.  
Sess. 2.  
c. 24. s. 29.



or any Person authorized by him, and may be detained until he can be delivered into the Custody of a Constable to be dealt with according to Law; and every Constable may also stop, search, and detain any Vessel, Boat, Cart, or Carriage in or upon which there shall be reason to suspect that anything stolen or unlawfully obtained 5 may be found; and also any Person who may be reasonably suspected of having or conveying in any Manner anything stolen or unlawfully obtained; and any Person to whom any Property shall be offered to be sold, pawned, or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed with respect to 10 such Property, or that the same or any Part thereof has been stolen or otherwise unlawfully obtained, is hereby authorized and if in his Power is required to apprehend and detain, and, as soon as may be, to deliver such Offender into the Custody of a Constable, together with such Property, to be dealt with according to Law. 15

Arrest of  
Persons  
carrying  
stolen Goods.  
48 G. 3.  
c. 140. s. 45.

LXXIV. Any Constable may apprehend any Person carrying or conveying any Goods within the District, in case it shall appear to such Constable that there is probable Cause to suspect that such Goods have been stolen or feloniously taken and carried away, and thereupon the Person so taken, together with the Goods, shall, as soon 20 as may be convenient, be conveyed to the Police Court of the Division in which the same shall have been taken, to be dealt with according to Law.

Detention of  
Furniture  
removed to  
evade Rent.  
5 Vict.  
Sess. 2.  
c. 24. s. 30.

LXXV. Any Constable may stop and detain, until due Inquiry can be made, all Carts and Carriages employed in removing the 25 Furniture of any House or Lodging between the Hours of *Eight* in the Evening and *Six* in the following Morning, or whenever the Constable shall have good Grounds for believing that such Removal is made for the Purpose of evading the Payment of Rent.

Horses, Car-  
riages, &c.  
of Offenders  
may be de-  
tained.  
5 Vict.  
Sess. 2.  
c. 24. s. 31.

LXXVI. If any Person having Charge of a Horse, Cart, Carriage, 30 Boat, or any other Animal or Thing, shall be taken into the Custody of any Constable under the Provisions of this Act, such Constable may take charge of such Horse, Cart, Carriage, or Boat, or such other Animal or Thing, and deposit the same in some Place of safe Custody as a Security for Payment of any Penalty to which the Person having 35 had Charge thereof may become liable, and for Payment of any Expenses which may have been necessarily incurred for taking charge of and keeping the same, and the Justice before whom the Case shall be heard may order such Horse or Thing to be sold in default of Payment of the Penalty and Expenses for Satisfaction of the same. 40

LXXVII. Any

LXXVII. Any Constable, and all Persons whom he shall call to his Assistance, may take into Custody, without a Warrant, any Person who, within view of such Constable, shall offend in any Manner against this Act, and whose Name and Residence shall be unknown to  
5 and cannot be ascertained by such Constable.

Apprehension of Offender whose Name and Residence is not known.  
5 Vict. Sess. 2. c. 24. s. 26.

LXXVII. Any Constable may take into Custody without a Warrant any loose, idle, or disorderly Person whom he shall find disturbing the Public Peace, or whom he shall have good Cause to suspect of having committed or being about to commit any Felony, Misdemeanor, or Breach of the Peace.  
10

Apprehension of Thieves, &c. without a Warrant.  
6 & 7 W. 4. c. 29. s. 7.

LXXIX. Any Constable may take into Custody without Warrant any Person who shall be charged by any other Person with committing an aggravated Assault, or with publicly and indecently exposing his Person, in every Case in which such Constable shall  
15 have good Reason to believe that such Offence has been committed, although not within view of such Constable, and that by reason of the recent Commission of the Offence a Warrant could not have been obtained for the Apprehension of the Offender.

5 Vict. Sess. 2. c. 24. s. 27.

LXXX. Every Person taken into Custody without a Warrant,  
20 except Persons detained for the mere Purpose of ascertaining their Name or Residence, shall be forthwith delivered into the Custody of the Constable in charge of the nearest Station House, in order that such Person may be secured until he can be brought before a Justice to be dealt with according to Law, or may give Bail for his Appearance before a Justice, if the Constable in charge shall deem it prudent  
25 to take Bail in the Manner herein-after mentioned.

Persons charged with recent Assaults may be apprehended without Warrants.  
5 Vict. Sess. 2. c. 24. s. 28.

LXXXI. Whenever any Person charged with any Felony, or any Misdemeanor punishable by Transportation, or other grave Misdemeanor, shall be without a Warrant in the Custody of the Constable  
30 in charge of the Station House during the Time when the Police Courts shall be shut, such Constable may require the Person making the Charge to enter into a Recognizance conditioned for his Appearance before a Justice to prosecute the Charge as herein-after mentioned, and upon his or her Refusal so to do such Constable may, if he shall  
35 deem it prudent, discharge from Custody the Person charged upon his or her Recognizance, with or without Sureties, conditioned as herein-after mentioned.

Persons apprehended without a Warrant to be taken to the Station House.  
3 Vict. Sess. 2. c. 24. s. 32.

Power to bind over Persons making Charges.  
5 Vict. Sess. 2. c. 24. s. 34.

LXXXII. Where any Person charged with any Misdemeanor, or with any Offence of which he is liable to be summarily convicted,  
40 shall be without a Warrant in the Custody of the Constable in charge

Bail for Appearance of Parties before a Justice, &c.  
6 & 7 W. 4. c. 29. s. 8. 5 Vict. c. 24. s. 33.



of the Station House during the Time when the Police Courts shall be closed, such Constable may, if he shall deem it prudent, take Bail by Recognizance, with or without Sureties, conditioned as hereinafter mentioned.

Nature and Form of Recognizance of Bail.

5 Vict. Sess. 2. c. 24. s. 35.

LXXXIII. Every Recognizance so taken, as in the last Two preceding Sections mentioned, shall be without Fee or Reward, and shall be conditioned for the Appearance of the Person thereby bound before a Justice of the Division in which the Station House shall be situated at his next Sitting, and the Time and Place of Appearance shall be specified in the Recognizance; and every such Recognizance shall be of equal Obligation on the Parties entering into the same, and liable to the same Proceedings for the estreating thereof or otherwise dealing therewith as if the same had been taken before a Justice; and the Constable shall enter in a Book to be kept for that Purpose in every Station House the Names, Residence, and Occupation of the Party, and his Surety or Sureties, if any, entering into such Recognizance, together with the Condition thereof, and the Sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the Time and Place when and where the Party is required to appear. 5 10 15 20

Enlarging Recognizances.

6 & 7 W. 4. c. 29. s. 8.

LXXXIV. If the Party not appearing shall apply by any Person on his Behalf to postpone the Hearing of the Charge, and the Justice shall think fit to consent thereto, he shall be at liberty to enlarge the Recognizance to such further Time as he shall appoint; and when the Matter shall be heard and determined either by the Dismissal of the Complaint or by binding over the Party to prosecute or answer (as the Case may be) the Matter thereof at the Sessions or otherwise, the Recognizance for the Appearance of the Party before a Justice shall be discharged without Fee or Reward. 25

Penalties for compounding Informations.

5 Vict. Sess. 2. c. 24. s. 61.

LXXXV. In case any Person shall lodge an Information before a Justice for an Offence alleged to have been committed, by which he was not personally aggrieved, and shall afterwards directly or indirectly receive, without the Permission of One of the said Justices, any Sum of Money or other Reward for compounding, delaying, or withdrawing the Information, such Informant shall be liable to a Penalty not exceeding *Ten Pounds*. 30 35

Revenue Informations may be withdrawn without Prejudice at any Time before Witness sworn.

LXXXVI. Any Charge, Information, or Complaint made or preferred before any Justice in respect of any alleged Breach of the Laws regulating Her Majesty's Inland Revenue, Customs, or Post Office may be withdrawn by the Person preferring, exhibiting, or making such Charge, Information, or Complaint at any Time previous 40

vious to the Hearing thereof, without such Withdrawal being any Bar or Impediment to preferring any other such Information or Proceeding whatsoever in the same or any other Court in reference to such alleged Breach of such Laws, but it shall not be lawful in any Case  
 5 to withdraw the same after any Witness in support of the Charge, Information, or Complaint has been sworn at the Instance of the Person preferring, exhibiting, or making such Charge, Information, or Complaint.

LXXXVII. In every Case in which Information or Complaint of  
 10 any Offence shall be made before a Justice, and shall not be further prosecuted, or in which, if further prosecuted, it shall appear to the Justice by whom the Case shall be heard that there was no sufficient Ground for making the Charge, the Justice shall have Power to award  
 15 such Amends (not being more than the Sum of *Five Pounds*) to be paid by the Informer to the Party informed or complained against, for his Loss of Time and Expenses in the Matter, as to the Justice shall seem meet.

Amends may be awarded for frivolous informations.  
 5 Vict. Sess. 2. c. 24. s. 60.

LXXXVIII. If any Person shall obtain any Sum of Money or other Reward from any other Person by threatening, directly or indirectly,  
 20 to lodge an Information or make a Complaint before any Justice for any Misdemeanor, or as an Inducement for forbearing to lay such Information or make such Complaint, such Person shall, on Conviction of the Offence before any Justice, be liable to a Penalty of not more than *Ten Pounds*, or to be imprisoned for any Term not  
 25 exceeding *Six Months*.

Penalty for obtaining Money by threatening Information.  
 3 & 4 Vict. c. 84. s. 11. *London Act*.

LXXXIX. Every Person who, by committing any Offence in this Act forbidden within the Police District, shall have caused any Hurt or Damage to any Person or Property may be apprehended, with or without any Warrant, by any Constable; and if he shall not,  
 30 upon Demand, make amends for such Hurt or Damage to the Satisfaction of the Person aggrieved, he shall be detained by the Constable in order to be taken before a Justice, and upon Conviction shall pay, in addition to any Penalty to which he may be liable, such a Sum, not exceeding *Ten Pounds*, as shall appear to the Justice before whom  
 35 he shall be convicted to be reasonable Amends to the Person aggrieved.

Justices may award reasonable Compensation for Hurt or Damage.  
 5 Vict. Sess. 2. c. 24. s. 25.

XC. For every Misdemeanor or other Offence against this Act for which no special Penalty is appointed the Offender shall, at the Discretion of the Justice before whom the Conviction shall take  
 40 place, be liable to a Penalty of not more than *Five Pounds*, or to be imprisoned for any Time not more than *One Calendar Month* in any Gaol within the Police District.

Offences for which no Penalty is appointed.  
 5 Vict. Sess. 2. c. 24. s. 36.



Power to lessen Shares of Penalties to Informers. 5 Vict. Sess. 2. c. 24. s. 62. XCI. Where *One Third* or other fixed Portion of the Penalty or Penalties imposed is or shall be directed to be paid to the Informer, not being the Party aggrieved, the Justice before whom the Conviction shall be had may adjudge that no Part or such Part only of the Penalty as he shall think fit shall be paid to the 5 Informer.

Power to mitigate Penalties. 5 Vict. Sess. 2. c. 24. s. 63. XCII. Where a limited Penalty or Term of Imprisonment is imposed on Conviction of an Offender, the Justice before whom such Conviction shall be had may reduce or lessen such Penalty or Term of Imprisonment in such Manner as he may think fit, provided that such 10 Reduction be made in open Court, and not otherwise.

Indictable Offences may be proceeded on as such. 5 Vict. Sess. 2. c. 24. s. 37. XCIII. Nothing in this Act contained shall prevent any Person from being indicted for an indictable Offence, though made punishable on summary Conviction by this Act, or relieve any Person from being liable, under any other Act or Acts, to any other or higher 15 Penalty or Punishment than is provided for such Offence, so as nevertheless that no Person be punished twice for the same Offence.

Conviction not quashed for Want of Form. 6 & 7 W. 4. c. 29. s. 41. XCIV. No Conviction had or made by or before any Justice shall be quashed or set aside, or adjudged void or insufficient, for Want of Form, nor shall the same be removed by Certiorari into Her 20 Majesty's Court of Queen's Bench.

Actions against Persons acting under this Act. 5 Vict. sess. 2. c. 24. s. 74. XCV. All Actions and Prosecutions to be commenced against any Officer, Head or other Constable, or a Justice of the Police 25 District, for anything done in pursuance of this Act shall be commenced within *Six Months* after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Month at least before the Commencement of the Action; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been 30 paid into Court after such Action brought, by or on behalf of the Defendant.

Constables may justify under Warrant. XCVI. When any Action shall be brought against any Officer or Head or other Constable of the District for any Act done in obedience to a Warrant addressed to him to be executed, such Constable shall not 35 be responsible for any Irregularity in the issuing of such Warrant or for any Want of Jurisdiction in the Party issuing the same; and may justify under the Warrant, and upon producing it and proving that the Signature thereto is the Handwriting of the Person whose Name shall appear subscribed thereto, and that such Person has acted in the 40 Capacity

Capacity in virtue of which he may have signed the Warrant, and that the Act or Acts complained of were done in obedience to the Warrant, the Jury who shall try the said Issue shall find a Verdict for such Constable.

- 5 XCVII. If it shall become necessary to prove the Power, Office, Authority, or Appointment of any Officer or Head or other Constable, or Justice, or of the Receiver, or of any other Officer or Person appointed or acting in the Constabulary Force of Dublin Metropolis, it shall in all Cases be sufficient *primâ facie* Evidence to prove that such Person at the Time in question was commonly known or reputed to hold such Office or Situation respectively; and it shall not for any such Purpose be necessary to produce or prove any Appointment or Qualification whatsoever of such Person.

Reputation  
Evidence of  
Officer's  
Authority.  
48 G. 3.  
c. 140. s. 123.

- 15 XCVIII. If any Goods or Things carried and conveyed as herein before mentioned shall be seized and detained as stolen, shall prove not to have been stolen, or in case of any Search made for Traitors or Felons, or for Goods stolen, under a Search Warrant, no Felon or Accessory to Felony, or Receiver of stolen Goods, nor any Goods or Things stolen or feloniously taken or carried away, shall be found in the Dwelling House, Outhouse, Shop, Warehouse, Cellar, Yard, or other Place searched, in any Action, Suit, Complaint, or Information brought against any Person for such apprehending, entering, or breaking, such Person may justify that he was acting *bonâ fide* and without Malice under this Act.

Justices,  
Constables,  
&c., indem-  
nified,  
though the  
Goods shall  
appear not  
to be stolen,  
or felons,  
&c., not in  
the houses.  
48 G. 3.  
c. 140. s. 47  
and 48.

- 25 XCIX. If any Person shall take an Oath in pursuance of this Act, and shall wilfully swear falsely therein, and shall be thereof lawfully convicted, such Person so offending shall, for any such Offence, incur and suffer such Penalties, Pains, and Disabilities as Persons convicted of wilful and corrupt Perjury are or shall be liable to by any Law then in force in Ireland; and if any Person shall procure or suborn any other Person to take such false Oath, and shall be thereof convicted (whether the Person having taken such false Oath shall be previously convicted or not), any such Person so procuring or suborning shall, for every such Offence, incur and suffer such Penalties, Forfeitures, Pains, and Disabilities as Persons convicted of Subornation of Perjury are or shall be liable to by any Law then in force in Ireland.

Penalty on  
false Oaths.  
48 G. 3.  
c. 140. s. 124.

- 40 C. Nothing in this Act contained, except the Provisions empowering any One Justice to hear and determine Offences now punishable on summary Conviction, shall affect or alter any Proceedings before Justices of the Peace for the Recovery or Condemnation

Act not to  
affect infor-  
mations  
under  
Revenue



or Stamp . . . tion of any Penalties or Forfeitures incurred under any Act or Acts  
 Acts. relating to the Revenue of Customs, or Excise, or Stamps, or to any  
 5 Vict. Act or Thing done by any Officer of Customs, or Excise, or Stamps,  
 Sess. 2. c.24. but all such Penalties and Forfeitures shall, except as aforesaid, be  
 s. 78. sued for, recovered, and applied under the Enactments and Provisions 5  
 of the several Acts relating to the said Revenues respectively.

Unclaimed . . . CI. When any Goods or Money charged to be stolen or unlaw-  
 stolen Goods fully obtained, and of which the Owner shall be unknown, shall be  
 delivered to ordered by any Divisional Justice to be delivered to the Storekeeper  
 Receiver of the Constabulary, the Storekeeper may, after the Expiration of 10  
 may be sold after Twelve Calendar Months, during which no Owner shall have appeared  
 Twelve Months. to claim the same, sell or dispose of such Goods or Money for the  
 5 Vict. Benefit of the Police Fund of the District.  
 Sess. 2. c.24.  
 s. 58.

## SCHEDULES to which the foregoing Act refers.

## SCHEDULE (A.)

## Acts and PARTS of Acts repealed.

| Date of Act.             | Title.                                                                                                                                                                                                                                                       | Extent of Repeal.                                                                       |
|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 48 G. 3. c. 140. -       | An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin Metropolis.                                                                            | The whole, except ss. 57. 58. 59. 65. 66. 67. 68. 69. 71. 72. 75. 90.                   |
| 5 G. 4. c. 102. -        | An Act to amend an Act of the Forty-eighth Year of the Reign of His late Majesty, for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of Dublin Metropolis. | The whole, except s. 27.                                                                |
| 6 & 7 W. 4. c. 29. -     | An Act for improving the Police in the District of Dublin Metropolis.                                                                                                                                                                                        | The whole.                                                                              |
| 7 W. 4. & 1 Vict. c. 25. | An Act to make more effectual Provisions relating to the Police in the District of Dublin Metropolis.                                                                                                                                                        | The whole, except as far as the same limits the Amount of the Police Rate to be levied. |
| 1 & 2 Vict. c. 63. -     | An Act to amend the Acts relating to the Police of the District of Dublin Metropolis.                                                                                                                                                                        | The whole.                                                                              |
| 2 & 3 Vict. c. 78. -     | An Act to make further Provisions relating to the Police in the District of Dublin Metropolis.                                                                                                                                                               | The whole, except s. 10.                                                                |
| 3 & 4 Vict. c. 103. -    | An Act to amend an Act of the last Session for making further Provisions relating to the Police in the District of Dublin Metropolis.                                                                                                                        | The whole.                                                                              |
| 5 Vict. Sess. 2. c. 24.  | An Act for improving the Dublin Police.                                                                                                                                                                                                                      | The whole, except ss. 41. 42. 43. 44. 45. 54. 76.                                       |



## SCHEDULE (B.)

*Boundary of the Dublin Police District.*

1 Vict. c. 25.  
s. 1.  
2 & 3 Vict.  
c. 74. s. 14.  
3 & 4 Vict.  
c. 103. s. 1.  
Orders in  
Council of  
April 3,  
1838;  
March 13,  
1840;  
April 27,  
1841;  
May 1, 1850.

THE Police District of Dublin Metropolis shall, until otherwise ordered by the Lord Lieutenant with the Advice of the Privy Council, continue to be divided into Three Divisions or Districts following; that is to say, the Castle and Kingstown or Letter A. Division; the B. or College Division; and the C. or Rotunda Division; and that the Limits of the said respective Divisions shall stand and be as follows; (that is to say,)

A. DIVISION.—That the Castle and Kingstown or Letter A. Division shall consist of and have the Bounds following; (that is to say,) from a Point in the central Line of the River Anna Liffey opposite to the central Line of Eustace Street, in a direct Line to the Centre of the North End of the said Eustace Street; and from thence along the central Line of the said Street; and from thence in a direct Line to the Centre of the North End of Great George's Street South; and from thence along the central Line of Great George's Street South, and so on to and along the central Line and Lines of Aungier Street, Redmond's Hill, Kevin's Port, alias Dale Street alias Wexford Street, Camden Street, Portobello, and so on along the central Line of the Road to the Centre of Latouche Bridge; and so on and along the central Line of the Road leading from Latouche Bridge through Rathmines to the Byerod adjoining Willan's Woollen Cloth Mills, and leading to the River Dodder, and along the central Line of the said Byerod and the Left Bank of the River Dodder to the Junction of the Baronies of Uppercross and Newcastle near Cypress Grove; and thence along the Boundary Line between the Baronies of Newcastle and Uppercross to the Third Lock from Dublin on the Grand Canal near Golden Bridge; thence in a direct Line to the Bridge over the River Anna Liffey and Chapelizod; and from the Point in the central Line of the River Anna Liffey opposite the central Line of Eustace Street, up and along the central Line of the said River to the extreme Limits of the District at Chapelizod; and that the said Division shall also comprise and consist of the several Places situate within the Bounds or Limits following: From the Left Bank of the River Dodder One Furlong Statute Measure from the Right of the Bridge of Donnybrook, running Two Furlongs Statute Measure to the Right of the Line of Road from Dublin to the Seashore at Killiney, by the Line of Road more particularly defined as follows: From the Bridge over the Dodder at Donnybrook, along the Line of Road leading through the Village of Stillorgan, by Galloping Green, to Foxrock; thence by the Cross Road of Dean's Grange to the

the Kill of the Grange; from the Kill of the Grange by the Rochestown Road, and the Glengarry or Sallynoggins Road, to Minor's Hill; thence by Bessville, Anglesea, and Colmeen Road, towards Killiney Castle, and by the said Road to the Gate of Mountmalpas; thence by the Southern Wall of the said Mount or Killiney Hill to the nearest Point of the Low-water Mark of the Sea Shore to the said Southern Wall; thence by the Low-water Mark of the said Shore, viâ Bullock, including the Harbour of Kingstown, till it joins the Boundary of the B. or College Division at the Lighthouse at the Termination of the South Wall; and that the Boundary from the Bridge over the Dodder at Donnybrook, by the Line of Road above defined, shall be held to include the full Breadth of the said Road, and Two Furlongs Statute Measure to the Right or exterior of the said Road, and which Furlongs shall be, to all Intents and Purposes, Part of the said Police District, and subject to the like Rates and Assessments as any Part of the said District is or shall be liable; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the A. or Castle and Kingstown Division, as aforesaid.

B. DIVISION.—That the B. or College Division shall consist of and have the Bounds or Limits following; (that is to say,) from the Lighthouse at the Termination of the South Wall, and thence by the Low-water Mark to the Sea Beach opposite to the Point where the Barony of Rathdown abuts on the Road leading from Dublin to Blackrock at Old Merrion Burying Ground, along the Boundary Line between the said Barony and the Barony of Dublin to the Bridge over the Dodder at Donnybrook; thence along the Left Bank of the said River Dodder to the Boundary of the A. or Castle and Kingstown Division, at the Byeroad near Willan's Cloth Mills; and the Boundary of the said College Division to the West shall be the same as the Boundary of the said A. or Castle and Kingstown Division, from the said River Dodder by the Byeroad aforesaid and Rathmines, as far as the Point in the central Line of said River Anna Liffey opposite to the central Line of Eustace Street; and from the said Point the Limits of the said B. or College Division shall be along the central Line of the said River Anna Liffey to the extreme Limits of the C. Division or District at the Centre of the Line between the Lighthouse at the Termination of the North Wall and the Lighthouse at the Termination of the South Wall, and from the Centre of the said Line to the said Lighthouse at the Termination of the South Wall aforesaid; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the B. or College Division, as aforesaid.

C. DIVISION.—That the C. or Rotunda Division shall consist of and have the Bounds or Limits following; (that is to say,) from the Centre of the Line from the Lighthouse at the Termination of the



South Wall to the Lighthouse at the Termination of the North Wall, up and along the central Line of the River Anna Liffey to the Centre of the Bridge at Chapelizod, and from the said Bridge along the Left Bank of the said River to the Ferry at the Bottom of Knockmaroon Hill; thence along the Line of Road over Knockmaroon Hill to the Entrance of the Phoenix Park at Knockmaroon Gate; thence by the Wall of the Phoenix Park to Ashtown Lodge, at the Back of the Under Secretary's House; thence by the most direct Road to Longford Bridge, on the Royal Canal; thence by the most direct Road to the Tolka River, and by that River to Annesley Bridge; thence by the Sea Line to the Lighthouse on the North Wall, and from thence to the Point on the Centre of the Line between the said Lighthouse at the Termination of the North Wall and the Lighthouse at the Termination of the South Wall on the Boundary of the B. Division; and that the whole of the said Places so named and defined as aforesaid shall form One Division, to be called the C. or Rotunda Division as aforesaid.

---

#### SCHEDULE (C.)

*Table of Fees receivable at the several Police Courts in the Police District of Dublin Metropolis.*

|                                                                           |    |    |
|---------------------------------------------------------------------------|----|----|
| Summons and Copy (including Copy of Information when served with Summons) | s. | d. |
| Warrant                                                                   | 1  | 0  |
| Recognizance                                                              | 1  | 0  |
| Affidavit or Declaration                                                  | 0  | 6  |
| Order                                                                     | 1  | 0  |
| Conviction                                                                | 2  | 0  |
| Certificate                                                               | 1  | 0  |
| Engrossing Information in Assaults, Trespasses, and all Misdemeanors      | 1  | 0  |
| Appeal                                                                    | 2  | 6  |
| Supersedeas                                                               | 1  | 0  |





# Administration of Justice (Dublin).

---

A

## BILL

For the more effectual Administration of  
Justice in the Police District of Dublin  
Metropolis.

(Prepared and brought in by  
Lord Naas and Mr. Attorney General for Ireland.)

---

*Ordered, by The House of Commons, to be Printed,*  
*15 June 1858.*

---

[Bill 136.]

*Under 5 oz.*



A

# B I L L

INTITULED

An Act to enable the Committees of both Houses  
of Parliament to administer Oaths to Witnesses  
in certain Cases.

**W**HEREAS it is expedient that the Evidence taken before Preamble.  
the Committees of either House of Parliament on a Private  
Bill should be available, if desired, before the Committee  
of the other House to which the same Bill is referred, and that for  
5 this Purpose the Committees of the House of Commons on Private  
Bills should be enabled to administer an Oath to the Witnesses  
examined before them; and it is also expedient for the Convenience  
of the House of Lords that the Committees of that House should  
be enabled to administer an Oath to the Witnesses examined before  
10 them, instead of such Witnesses being as heretofore sworn at the Bar  
of the House: Be it enacted by the Queen's most Excellent Majesty,  
by and with the Advice and Consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and by  
the Authority of the same, as follows :

- 15 I. Any Select Committee of the House of Commons to which any  
Private Bill has been referred by the House may examine Witnesses  
upon Oath upon Matters relating to such Bill, and for that Purpose  
may administer an Oath to any such Witness.

Select Com-  
mittees of  
House of  
Commons on  
Private Bills  
may examine  
on Oath and  
administer  
Oaths.

[Bill 239.]

II. Any Oaths.



Committees  
of House of  
Lords may  
administer  
Oath.

II. Any Committee of the House of Lords may administer an Oath to the Witnesses examined before such Committee.

Persons so  
examined  
liable to  
Penalties of  
Perjury.

III. Any Person examined as aforesaid who shall wilfully give false Evidence shall be liable to the Penalties of Perjury.



# Administration of Oaths by Committees.

---

A

## BILL

INTRODUCED

An Act to enable the Committees of both  
Houses of Parliament to administer  
Oaths to Witnesses in certain Cases.

(*Brought from the Lords 23 July 1858.*)

---

*Ordered, by The House of Commons, to be Printed,  
24 July 1858.*

---

[Bill 239.]

*Under 1 oz.*





A

# B I L L

TO

Enable Serjeants, Barristers-at-Law, Attornies,  
and Solicitors to practise in the High Court of  
Admiralty.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :—

- 5 I. All Serjeants and Barristers-at-Law, and all Attornies-at-Law and Solicitors, shall, from and after the *passing of this Act*, be entitled to practise as Serjeants, Barristers, Attornies, and Solicitors respectively in all Matters and Causes whatsoever in Her Majesty's High Court of Admiralty; and the said Serjeants and Barristers-at-Law shall and may have and exercise the same Rights and Privileges of practising, pleading, and audience in the said High Court of Admiralty as Advocates now have and enjoy in the said Court, and the said Attornies and Solicitors shall and may have and exercise the same Rights and Privileges of practising in the said High Court of Admiralty as Proctors now have and enjoy in the said Court; and all Persons who at the Time of the passing of this Act shall have been
- [Bill 172.] admitted
- Serjeants,  
Barristers,  
Attornies,  
and Solicitors to be at liberty to practise in the High Court of Admiralty.

admitted Advocates in any of the Ecclesiastical Courts or in the said High Court of Admiralty, and the said Serjeants and Barristers-at-Law, shall have respectively the same Rank and Precedence in the said High Court of Admiralty which they now have before the Judicial Committee of the Privy Council, unless and until Her 5 Majesty shall otherwise order.





# Admiralty Court.

---

A

## BILL

TO enable Serjeants, Barristers-at-Law,  
Attornies, and Solicitors to practise in  
the High Court of Admiralty.

(*Prepared and brought in by*  
*Mr. Warren and Mr. Hopwood.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*1 July 1858.*

---

[Bill 172.]

*Under 1 oz.*

# Agricultural Statistics Bill.

---

## ARRANGEMENT OF CLAUSES.

---

Sect.

1. Yearly Return of Land and Kinds of Produce. Schedule, Form A.
2. Overseers to furnish Extracts from Rate Book. Schedule, Form B.
3. Appointment of Officers ; and,
4. Of Inspectors of Agricultural Statistics.
5. Occupiers to make Returns direct to Board of Trade through the Post Office.
6. Occupiers not making Returns, Information may be obtained by other Means.
7. Particulars of individual Returns shall not be divulged.
8. Abstract of Returns to be made and published.
9. Right of Inspection of Rate Books and Tithe Commutation Map, and Apportionment of Rentcharge.
10. Allowances and Expenses.
11. Penalties on Persons appointed or employed under this Act.
12. Forfeitures to be recovered summarily.  
Application of Forfeitures.
13. Construction of Terms in this Act.
14. Short Title.

### SCHEDULES.

FORM A. Return from Occupiers of Land.

FORM B. Extract from Poor's Rate.







A

# B I L L

TO

## Provide for the Collection of Agricultural Statistics in England and Wales.

**W**HEREAS it is expedient that Provision be made for ascer- Preamble.  
taining yearly the Extent of Land under each Kind of  
Crop in England and Wales: Be it enacted by the Queen's  
most Excellent Majesty, by and with the Advice and Consent of the  
5 Lords Spiritual and Temporal, and Commons, in this present Parlia-  
ment assembled, and by the Authority of the same, as follows :

I. The Board of Trade shall every Year take Measures to obtain Yearly  
Returns, referring to the *First Day of June* in such Year, of the Par- Return of  
ticulars set forth in the Form A. in the Schedule annexed to this Act, Land and  
10 in regard to the Land held by each Occupier in England and Wales. Produce.

II. On or before the *First Day of February* in every Year the Overseers to  
Overseers of the Poor of every Parish shall make, and certify by their furnish Ex-  
Signatures, and transmit by Post or otherwise to the Board of tracts from  
Trade, an accurate Extract, according to the Form B. in the Sche- Rate Book.  
15 dule annexed to this Act, of the Rate then last made for the Schedule B.  
Relief of the Poor, so far as required by the Terms of such Form ;  
and such Overseers shall add to such Extract a Note of all Changes  
in respect of any of the Matters described therein that have come  
to their Knowledge since the making of the said Rate.

[Bill 26.]

A

III. The

Appointment of Collectors and Receivers of Returns;

III. The President of the Board of Trade may employ any Officers under him, and such other Persons as he shall think fit, to execute the Purposes of this Act, all which shall be done in such Form and Manner as the Board of Trade shall direct.

and of Inspectors of Agricultural Statistics.

IV. The Board of Trade shall, with the Approbation of the Commissioners of Her Majesty's Treasury, appoint One or more competent Person or Persons to act under his Direction as Inspector or Inspectors of Agricultural Statistics, who shall make District Visits from Time to Time, and shall be empowered to test the Accuracy of Returns, and to make such further Investigations and perform such other Duties in strict Connection with the Objects of this Act, as the Board of Trade may deem necessary or expedient, and such Inspectors shall be removable by the Board of Trade. 5 10

Occupiers to fill up Form A.

V. Every Occupier shall fill up the Return supplied to him by inserting the Particulars therein specified, and shall sign the same at the Time and in the Manner to be notified thereon, or such Occupier may appoint some other Person in his Behalf to fill up and sign such Return, in which Case the Person so signing shall state in Writing that he signs the same by Appointment of such Occupier, and the Return, so filled up and signed, shall be transmitted direct to the Board of Trade through the Post Office. 15 20

Occupier neglecting to make a correct Return, Land may be entered and inspected.

VI. If any Occupier do not duly make such Return so filled up and signed within the Time mentioned thereon, or in case of Doubt as to the Accuracy of any Return, any Person or Persons thereto authorized by the Board of Trade may proceed to obtain by other Means the Particulars required, and after *Three* Days Notice may and are hereby authorized at any Time or Times during the Day to enter upon and inspect the Lands of such Occupier, doing no wilful Damage to the growing Crops, for the Purpose of ascertaining such Particulars, and shall not be liable to Action for Trespass, or any other Action or Proceeding for so doing. 25 30

Particulars of individual Returns not to be divulged.

VII. In no Case shall Publicity be given by any Officer or Person employed in the Execution of this Act to the Particulars of any Return made or Information obtained under the same, nor shall any of such Particulars be divulged to any private Person, or used for any Purpose other than the Ascertainment of general statistical Results in the Manner contemplated by this Act 35

Abstracts to be made and published.

VIII. As soon as may be after such Returns are obtained the Board of Trade shall cause Abstracts thereof to be prepared and arranged in the Order of Counties, all in such Form and Manner as the 40 the

the Board shall direct, and the same shall be published by the Board not later than the *First Day of August* in each Year.

IX. Every Person appointed to assist in carrying this Act into execution shall at all reasonable Times, while employed in the  
 5 Execution of this Act, be authorized and entitled to demand and inspect the Poor's Rate Books of every Parish within which he is appointed to act, and to make Copies and Extracts there-  
 10 from for the Purposes of this Act, without paying anything for the same, and also to demand and inspect the Parish or Tithe Commutation Map, and the Apportionment of the Rentcharge in lieu of Tithes, of any Parish or Place within which he is appointed to act, and to make any Measurements or Tracings from such Map, or Notes from such Map or Apportionment, for the Purposes of this Act, without paying anything for the same.

Inspection of  
Rate Book  
and Parish  
and Tithe  
Commu-  
tation Maps.

X. The Commissioners of Her Majesty's Treasury shall make  
 15 such Payments and Allowances as they shall think fit to the Persons employed in carrying this Act into execution; and all such Payments and Allowances, and all other Expenses incurred under the Provisions of this Act, shall be defrayed out of Monies to be provided by  
 20 Parliament for that Purpose.

Allowances  
and Ex-  
penses.

XI. If any Overseer neglect to transmit to the Board of Trade, on or before the *First Day of February* in any Year, the Extract from the Rate Book required by this Act;

Penalties.

Or if any Overseer or other Person having the Custody of the Poor  
 25 Rate Books of any Parish do not, on the reasonable Demand of any Person entitled to inspect the same for the Purposes of this Act, permit such Person to inspect the same, or to make any Copy or Extract therefrom;

Or if any Churchwarden or other Person having the Custody of the  
 30 Parish or Tithe Commutation Map or Apportionment of Rentcharge of any Parish or Place do not, on the Demand of any Person entitled to inspect the same for the Purposes of this Act, permit such Person to inspect the same, or to make any Measurements or Tracings from such Map, or Notes from such Map or Ap-  
 35 portionment for the said Purposes;

Or if any Person appointed or employed to distribute, collect, or receive Returns under this Act do not duly and faithfully dis-  
 40 tribute, collect, receive, or dispose of the same in pursuance of this Act and the Instructions of the Board of Trade;

Or if any Officer or Person employed in the Execution of this Act shall culpably be accessory to any Publication, Divulgence, or



improper Use of Returns or Information in contravention of this Act;

Every such Overseer, Churchwarden, Officer, or other Person so offending shall be liable to forfeit a Sum not exceeding *Five Pounds*.

Forfeitures to be recovered summarily; not to be sued for, except within Six Months. Application of Forfeitures.

XII. Every Forfeiture incurred by reason of the Commission of 5 any Offence under this Act may be recovered on a summary Conviction thereof before any Two Justices of the Peace;

But no Proceedings for the recovering of any such Forfeiture shall be commenced, except within *Six Months* after the Commission of the Offence; 10

All Forfeitures recovered under this Act shall be paid to the Board of Trade, and accounted for by him to the Commissioners of Her Majesty's Treasury.

Construction of Terms in this Act.

XIII. In the Construction of this Act the following Words shall have the respective Meanings hereby assigned to them when such 15 Meanings are not inconsistent with the Context and the Subject Matter; (that is to say,)

The "Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations: 20

"Occupier" shall mean every Occupier of not less than *Five Statute Acres* of Land in England and Wales:

"Parish" shall include any Township or Village or other Place rated to the Poor, or Extra-parochial Place:

"Statute Acre" shall mean an Acre of Land containing Four 25 thousand eight hundred and forty Square Yards computed by the Imperial Standard Measure.

Short Title.

XIV. In citing this Act it shall be sufficient to name it as "The Agricultural Statistics Act, 1857."

## SCHEDULE to which the foregoing Act refers.

## FORM A.

County of

Parish, Township, or Place

No. of Return.

## AGRICULTURAL STATISTICS.

Return to be made by Occupiers of Land as at 1st June 18 , being a true  
Return for Land in the Occupation of

|                                               | Statute Acres. |
|-----------------------------------------------|----------------|
| Wheat                                         | -              |
| Barley or Bere                                | -              |
| Oats                                          | -              |
| Beans and Peas                                | -              |
| Other Corn Crops                              | -              |
| Potatoes                                      | -              |
| Turnips, and Fallow for Turnips               | -              |
| Mangold                                       | -              |
| Other Green Crops                             | -              |
| Bare Fallow                                   | -              |
| Hops                                          | -              |
| Clover, Lucerne, and other artificial Grasses | -              |
| Pasture                                       | -              |
| Meadows                                       | -              |
| Sheep Walks and Downs                         | -              |

Dated 18

Signature of Occupier

*Note.*—This Return is required by the Act of Parliament (20 & 21 Vict. c. .) It is to be accurately filled up on the First Day of June next, and to be returned [*insert the Directions of the Registrar General*] on or before the 10th Day of June 18 .

[Copy Clauses VI. and VII.]

FORM B.

EXTRACT made under the Provisions of the Act the 19 & 20 Vict. c. ., from  
the Assessment for the Relief of the Poor of the Parish of \_\_\_\_\_ in  
the County of \_\_\_\_\_, made the \_\_\_\_\_ Day of \_\_\_\_\_  
in the Year 18\_\_.

| No. | Name of Occupier. | Name or Situation of<br>Property. | Estimated Extent. |
|-----|-------------------|-----------------------------------|-------------------|
|     |                   |                                   | A. R. P.          |
|     |                   |                                   |                   |
|     |                   |                                   |                   |

We hereby certify, that the foregoing is an accurate Extract and Copy of  
the last Rate made for the Relief of the Poor of the before-named Parish, so  
far as the said Rate relates to Occupiers of Land of the Extent of \_\_\_\_\_  
Statute Acres or more.

But since the said Rate was made, it has come to our Knowledge that the  
following Changes have taken place in the Occupation of the Properties  
referred to in the foregoing Extract, viz. :

| No. | Name of Occupier. | Name or Situation of<br>Property. | Estimated Extent. |
|-----|-------------------|-----------------------------------|-------------------|
|     |                   |                                   | A. R. P.          |
|     |                   |                                   |                   |
|     |                   |                                   |                   |

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } Overseers.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ } Churchwardens.





# Agricultural Statistics.

---

A

## B I L L

To provide for the Collection of Agricultural Statistics in England and Wales.

(Prepared and brought in by  
Mr. Caird and Mr. Garnett.)

---

*Ordered, by The House of Commons, to be Printed,  
12 March 1858.*

---

[Bill 26.]

*Under 2 oz.*



A

# B I L L

TO

Revive and continue an Act amending the Act for  
limiting the Time of Service in the Army.

**W**HEREAS by an Act of the Session holden in the Eighth- Preamble.  
teenth and Nineteenth Years of Her Majesty, Chapter 18 & 19 Vict.  
Four, “to amend the Act for limiting the Time of Service c. 4.  
“ in the Army,” it was enacted that for Three Years after the passing  
5 of the Act now in recital any Person might be enlisted to serve Her  
Majesty or in the Forces of the East India Company as a Soldier for  
any such Term not exceeding Ten Years in the Infantry or Twelve  
Years in the Cavalry or Artillery or other Ordnance Corps as might  
be authorized by any Order or Orders of Her Majesty in Council  
10 in that Behalf: And whereas it is expedient to revive and continue the  
said Act: Be it enacted by the Queen’s most Excellent Majesty, by  
and with the Advice and Consent of the Lords Spiritual and Temporal,  
and Commons, in this present Parliament assembled, and by the  
Authority of the same, as follows:

15 I. The said Act of the Eighteenth and Nineteenth Years of Her Act revived  
Majesty shall continue in force as if *Six Years* after the passing of the and con-  
[Bill 206.] said tinued.



said Act had been mentioned therein instead of Three Years, and shall be deemed and taken to have had Effect accordingly, to all Intents and Purposes, as if this Act had actually passed before the Expiration of the said Term of Three Years.



# Army Service.

A

## B I L L

To revive and continue an Act amending  
the Act for limiting the Time of Ser-  
vice in the Army.

(*Prepared and brought in by  
General Peel and the Judge Advocate.*)

---

*Ordered, by The House of Commons, to be Printed,  
12 July 1858.*

---

[Bill 206.]

*Under 1 oz.*



17 June 1858. 21 VICT.



A

# B I L L

TO

## Amend the Act for legalizing Art Unions.

**W**HEREAS an Act was passed in the Eighth Year of Her 7 & 8 Vict.  
present Majesty's Reign, intituled "An Act to indemnify c. 109.  
" Persons connected with Art Unions and others against  
" certain Penalties," which Act was continued by another Act passed 8 & 9 Vict.  
5 in the Ninth Year of Her present Majesty's Reign: And whereas c. 57.  
another Act was passed in the Tenth Year of Her present Majesty's 9 & 10 Vict.  
Reign, intituled "An Act for legalizing Art Unions:" And whereas c. 48.  
certain voluntary Associations have been formed and are in course  
of being formed in various Parts of the United Kingdom for the  
10 Purpose of encouraging the Application of High Art to the Production  
of Works of Utility and Ornament, under and with reference to the  
said last-recited Act, by means of the Purchase of Works of British  
and Foreign Manufacture, to be afterwards allotted and distributed  
by Chance or otherwise as Prizes among the several Members,  
15 Subscribers, or Contributors forming Part of such Associations: And  
whereas Doubts have been entertained whether such Associations  
are lawful Associations, within the Sense and Meaning of the said  
last-recited Act: And whereas it is expedient that all Members of  
and Subscribers and Contributors to such voluntary Associations,  
20 and all Persons acting under their Authority or on their Behalf, so  
[Bill 144.] long

long only as their Proceedings are carried on in good Faith for the Encouragement of the Application of Art to the Production of Articles of Utility and Ornament, shall be discharged and protected from any Pains and Penalties to which they may have rendered themselves liable or may hereafter render themselves liable by reason 5 of any such their Proceedings as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

10

Associations  
for en-  
couraging  
High Art,  
&c. to be  
deemed  
lawful Asso-  
ciations  
within the  
Meaning of  
last-recited  
Act.

I. All Associations now constituted or which may hereafter be constituted according to the Provisions contained in the said last-recited Act for the Purpose of encouraging the Application of High Art to the Production of Articles of Utility and Ornament, by the Purchase of Works of British and Foreign Manufacture, selected by 15 the several Committees of Management of such Associations respectively as being remarkable for Beauty of Design and Excellence of Execution, to be afterwards allotted and distributed by Chance, Scheme, or otherwise among the several Members, Subscribers, or Contributors forming Part of such Associations, shall be held and deemed, from and 20 since the Date of the said last-recited Act, to have been and to be in all Time coming lawful Associations within the Sense and Meaning of the said last-recited Act; and the Members of and Subscribers and Contributors to all such lawful Associations, and all Persons who may have acted or may hereafter act under their Authority or on their 25 Behalf, for the Purposes aforesaid, shall be freed and discharged from all Pains and Penalties, Suits, Prosecutions, and Liabilities to which by Law they would be liable but for the passing of the said last-recited Act and of the present Act, as having been concerned in illegal Lotteries, Little Goes, or unlawful Games, by reason of anything 30 done or which may have been or may hereafter be done by them or any of them in furtherance of the Allotment or Distribution by Chance, Scheme, or otherwise, of Articles of the Description herein-before set forth, selected, allotted, and distributed as aforesaid: Provided always, that a Royal Charter or Charters shall have been first 35 obtained for the Incorporation of any such Association, or provided that the Deed of Partnership or other Instrument or Instruments constituting such Association, and the Rules and Regulations relating to the Proceedings of such Association for such Purposes as aforesaid, shall have first been submitted to the Consideration and be approved 40 of by a Committee of Her Majesty's Most Honourable Privy Council, and a Copy thereof deposited with such Committee, and that it shall be expressed, in every such Charter, Deed, or Instrument that it shall be lawful for any Committee of Her Majesty's Privy Council to whom the

the Consideration of Art Unions shall be referred by Her Majesty, whenever it shall appear to them that any such Association is perverted from the Purposes of the said last-recited Act and of this Act, to certify the Fact to Her Majesty, and thereupon it shall be lawful  
5 for Her Majesty to revoke or annul the Charter, Deed, or Instrument under which the Association so offending shall have been constituted; and nothing in this Act contained shall be deemed to apply to any Association whose Charter, Deed of Partnership, or other Instrument constituting the same shall have been so revoked or annulled.



# Art Unions Act Amendment.

---

A

## BILL

To amend the Act for legalizing Art  
Unions.

(Prepared and brought in by  
*Mr. William Everett, Mr. Dunlop, and  
Mr. Stirling.*)

---

---

*Ordered, by The House of Commons, to be Printed,  
17 June 1858.*

---

---

[Bill 144.]

*Under 1 oz.*

29 July 1858. 21 & 22 VICT.



A

# B I L L

[AS AMENDED BY THE LORDS]

INTITULED

An Act to ~~amend the Act for legalizing Art Unions~~ *indemnify certain Persons who have formed a voluntary Association for the Disposal of Works of Utility and Ornament by Chance or otherwise as Prizes.*

---

Note.—*The Words struck through were omitted and the Words in Italics inserted by the Lords.*

---

**W**HEREAS an Act was passed in the Eighth Year of Her present Majesty's Reign, intituled "An Act to indemnify 7 & 8 Vict. c. 109.  
"Persons connected with Art Unions and others against  
"certain Penalties," which Act was continued by another Act passed 8 & 9 Vict. c. 57.  
5 in the Ninth Year of Her present Majesty's Reign: And whereas  
another Act was passed in the Tenth Year of Her present Majesty's Reign, intituled "An Act for legalizing Art Unions:" And whereas 9 & 10 Vict. c. 48.  
certain *Parties have formed themselves into a voluntary Associations*  
~~have been formed and are in course of being formed in various Parts of the~~  
10 ~~United Kingdom~~ Association for the Purpose of encouraging the Application of High Art to the Production of Works of Utility and Ornament, ~~under and~~ with reference to the said last-recited Act, by means of the Purchase of Works of British and Foreign Manufacture,  
[Bill 243.] to

to be afterwards allotted and distributed by Chance or otherwise as Prizes among the several Members, Subscribers, or Contributors forming Part of such Associations *said Association*: And whereas Doubts have been entertained whether ~~such Associations are lawful Associations~~ *the said Association is a lawful Association* within the 5 Sense and Meaning of the said last-recited Act: And whereas it is expedient that all Members of and Subscribers and Contributors to ~~such the~~ *the* voluntary Associations *Association*, and all Persons acting under ~~their the~~ *the* Authority or on ~~their the~~ *the* Behalf ~~so long only as their Proceedings are carried on in good Faith for the Encouragement of the Application of Art to the Production of Articles of Utility and Ornament of the same,~~ shall be discharged and protected from any Pains and Penalties to which they may have rendered themselves liable or may hereafter render themselves liable by reason of any such their Proceedings as aforesaid: Be it therefore enacted by the Queen's most 15 Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The said Association and the Members thereof discharged from Suits and Penalties.

I. All Associations *The said Association* now constituted, ~~or which may hereafter be constituted according to the Provisions contained in the said~~ 20 ~~last-recited Act for the Purpose of encouraging the Application of High Art to the Production of Articles of Utility and Ornament by the Purchase of Works of British and Foreign Manufacture, selected by the several Committees of Management of such Associations respectively as being remarkable for Beauty of Design and Excellence of Execution, to be afterwards allotted and distributed by Chance, Scheme, or otherwise among the several Members, Subscribers, or Contributors forming Part of such Associations, shall be held and deemed, from and since the Date of the said last-recited Act, to have been and to be in all Time coming lawful Associations within the Sense and Meaning of the said last-recited Act;~~ 25 ~~and the Members of and Subscribers and Contributors to all such lawful Associations~~ *the said Association*, and all Persons who may have acted or may hereafter act under ~~their the~~ *the* Authority or on ~~their the~~ *the* Behalf ~~for the Purposes aforesaid of the same,~~ shall be freed and discharged from all Pains and Penalties, Suits, Prosecutions, and 35 Liabilities to which by Law they ~~would are or may be~~ liable ~~but for the passing of the said last-recited Act and of the present Act,~~ as having been concerned in illegal Lotteries, Little Goes, or unlawful Games, by reason of anything done or which may have been or may hereafter be done by them or any of them ~~herebefore or before the Thirty-~~ 40 ~~first Day of August in the Year next ensuing the passing of this Act,~~ in furtherance of the Allotment or Distribution by Chance, Scheme, or otherwise of Articles of the Description herein-before set forth, selected, allotted, and distributed as aforesaid:

Provided



- ~~Provided always, that a Royal Charter or Charters shall have been first obtained for the Incorporation of any such Association, or provided that the Deed of Partnership or other Instrument or Instruments constituting such Association, and the Rules and Regulations relating to the Proceedings~~
- 5 ~~of such Association for such Purposes as aforesaid, shall have first been submitted to the Consideration and be approved of by a Committee of Her Majesty's Most Honourable Privy Council, and a Copy thereof deposited with such Committee, and that it shall be expressed in every such Charter, Deed, or Instrument that it shall be lawful for any Committee~~
- 10 ~~of Her Majesty's Privy Council to whom the Consideration of Art Unions shall be referred by Her Majesty, whenever it shall appear to them that any such Association is perverted from the Purposes of the said last recited Act and of this Act, to certify the Fact to Her Majesty, and thereupon it shall be lawful for Her Majesty to revoke or annul the Charter,~~
- 15 ~~Deed, or Instrument under which the Association so offending shall have been constituted; and nothing in this Act contained shall be deemed to apply to any Association whose Charter, Deed of Partnership, or other Instrument constituting the same shall have been so revoked or annulled.~~

# Art Unions Indemnity.

---

A

## BILL

[AS AMENDED BY THE LORDS]

INTITLED

An Act to amend the Act for regulating  
~~Art Unions~~ indemnity certain Persons  
who have formed a voluntary Association  
for the Disposal of Works of  
Utility and Ornament by Chance or  
otherwise as Prizes.

---

---

*Ordered, by The House of Commons, to be Printed,  
29 July 1858.*

[Bill 243.]

*Under 1 oz.*

75  
4 December 1857. 21 VICT.



A

# B I L L

TO

Indemnify the Governor and Company of the Bank  
of England in respect of certain Issues of their  
Notes, and to confirm such Issues, and to autho-  
rize further Issues for a Time to be limited.

**W**HEREAS by the Act of the Session holden in the Seventh Preamble.  
and Eighth Years of Her Majesty, Chapter Thirty-two, 7 & 8 Vict.  
“to regulate the Issue of Bank Notes and for giving to c. 32.  
5 “the Governor and Company of the Bank of England certain s. 2.  
“Privileges for a limited Period,” the Governor and Company of the  
Bank of England are prohibited from issuing Bank of England Notes  
either into the Banking Department of the Bank of England or to any  
Persons or Person whatsoever, save in exchange for other Bank of  
England Notes, or for Gold Coin, or for Gold or Silver Bullion received  
10 or purchased for the Issue Department of the said Bank under the  
Provisions of that Act, or in exchange for Securities acquired and taken  
in the said Issue Department under the Provisions therein contained:  
And whereas under the said Act and an Order in Council issued under  
the Provisions thereof the Amount of Securities to be acquired and  
15 taken in the said Issue Department stands limited not to exceed the Sum  
of Fourteen million four hundred and seventy-five thousand Pounds:  
And whereas by a Letter dated the Twelfth Day of November last  
[Bill 1.] the



the First Lord of the Treasury and the Chancellor of the Exchequer informed the Governor and Deputy Governor of the Bank of England that Her Majesty's Government had observed with great Concern the serious Consequences which had ensued from the recent Failure of certain Joint Stock Banks in England and Scotland, as well as of 5 certain large mercantile Firms chiefly connected with the American Trade; that the Discredit and Distrust which had resulted from these Events, and the Withdrawal of a large Amount of the Paper Circulation authorized by the existing Bank Acts, appeared to Her Majesty's Government to render it necessary for them to inform the 10 Bank of England that if they should be unable in the present Emergency to meet the Demands for Discounts and Advances upon approved Securities without exceeding the Limits of their Circulation prescribed by the Act of One thousand eight hundred and forty-four, the Government would be prepared to propose to Parliament upon its 15 meeting a Bill of Indemnity for any Excess so issued; and that, in order to prevent that temporary Relaxation of the Law being extended beyond the actual Necessities of the Occasion, Her Majesty's Government were of opinion that the Bank Terms of Discount should not be reduced below their then present Rate: 20 And whereas the Governor and Company of the Bank of England have since the said Twelfth Day of November One thousand eight hundred and fifty-seven issued Bank of England Notes in exchange for Securities acquired and taken in the said Issue Department beyond the Amount limited by Law, and it is expedient 25 that the Acts of the said Governor and Company in relation to the Matters aforesaid should be confirmed, and that the Restriction on the Amount of the Securities to be acquired and taken in the said Issue Department should be suspended for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and 30 with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Issues of  
Bank of  
England  
Notes since  
12th Nov.  
1857 in  
excess of the  
legal Limit-  
ation con-  
firmed.

I. All such Issues of Bank of England Notes as may have been made by the said Governor and Company, or by their Order or 35 Direction, since the said Twelfth Day of November One thousand eight hundred and fifty-seven, although beyond the Amount authorized by Law, and all Acts done in relation to such Issues, and to the acquiring and taking since the said Twelfth Day of November One thousand eight hundred and fifty-seven Securities 40 in the Issue Department of the Bank of England beyond the Amount authorized by Law, shall be confirmed and made valid; and the said Governor and Company, and all Persons who have been concerned in such Issues or in doing or advising any such Acts as aforesaid,

aforesaid, are hereby indemnified and discharged in respect thereof, and all Indictments and Informations, Actions, Suits, Prosecutions, and Proceedings whatsoever commenced or to be commenced against the said Governor and Company or any Person or Persons in relation  
5 to the Acts and Matters aforesaid, or any of them, are hereby discharged and made void.

II. So much of the said Act of the Seventh and Eighth Years of Her Majesty as limits the Amount of the Securities to be acquired and taken in the Issue Department of the Bank of England shall be  
10 and be deemed to have been suspended as from the Twelfth Day of November One thousand eight hundred and fifty-seven, and shall continue suspended until the Expiration of *Twenty-eight* Days after the First Meeting or Sitting of Parliament in the Year One thousand eight hundred and fifty-eight, subject to the Proviso herein-after  
15 contained, and during such Suspension the Provisions of the said Act in relation to the Issue of Bank of England Notes shall be construed and take effect as if the Restriction on the Amount of Securities in the said Issue Department, and the Prohibition of the Increase of such Amount and of the Issue of additional Bank of  
20 England Notes thereon, had not been contained in the said Act: Provided always, that if before the Expiration of the Time herein-before limited the Governor and Company of the Bank of England give public Notice that they have reduced the minimum Rate of Interest required by them below the Rate of *Ten* per Centum per  
25 Annum, the said Suspension shall cease.

The Restriction on the Amount of Securities to be taken in the Issue Department suspended.

III. Upon or before the Expiration or Cesser of the Suspension aforesaid the Excess of Issues herein-before confirmed shall be reduced to the Amount which would have been authorized by Law if this Act had not been passed; and, subject to the Indemnity and Discharge  
30 hereby given, all the Provisions of the said recited Act shall, after such Expiration or Cesser, be and remain in full Force.

The Issues in excess to be reduced on or before the Expiration of the Suspension.

# Bank Issues Indemnity.

---

A

## BILL

To indemnify the Governor and Company of the Bank of England in respect of certain Issues of their Notes, and to confirm such Issues, and to authorize further Issues for a Time to be limited.

*(Prepared and brought in by  
Mr. FitzRoy, the Chancellor of the Exchequer,  
and Viscount Palmerston.)*

---

*Ordered, by The House of Commons, to be Printed,  
4 December 1857.*

---

[Bill 1.]



# Bankruptcy and Insolvency Bill.

---

## ARRANGEMENT OF CLAUSES.

---

### *General Provisions.*

Certain Acts and Parts of Acts repealed ; Sect. 1.

Short Title ; 2.

Act not to extend to Scotland or Ireland ; 3.

Commencement of Act. Joint Stock Companies Winding-up Acts, 1848, 1849, and 1857, and Joint Stock Companies Act, 1856, not to be affected ; 4.

In construing former Acts, &c. with reference to Petition for Adjudication under this Act, Fiat, &c. to be deemed to have issued at the Time of filing Petition ; 5.

### *Of the Court and its Jurisdiction.*

The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c. ; 6.

Present Officers continued ; 7.

Her Majesty may fill up Vacancies in the Office of Commissioner of the Court ; 8.

Her Majesty may appoint additional Commissioners ; 9.

Oath of Commissioners ; 10.

Commissioners may make General Orders, subject to Lord Chancellor's Approval ; 11.

Extent of London District ; 12.

Names and Extent of Country Districts ; 13.

Places where the Country District Courts shall sit ; 14.

Country Districts may be altered or increased ; 15.

Sittings of the Court ; 16.

Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit ; 17.

Judge of County Court to act as Commissioner of Bankruptcy Court ; 18.

Places at which County Court is to sit in Bankruptcy to be determined by Order in Council ; 19.

[Bill 154.]

a

Questions

Questions of Law raised by Consent. 15 & 16 Vict. c. 76. s. 46.,  
16 & 17 Vict. c. 113. s. 92., 3 & 4 Vict. c. 105. s. 50., 20 & 21  
Vict. c. 60. s. 355; 20.

Payment of Money by Party on Judgment being given; 21.

Lord Chancellor may appoint Assessors; 22.

Duty of the Assessors; 23.

### *Jurisdiction, Primary and Appellate.*

Primary Jurisdiction of the Court, with Appeal to the Court of  
Appeal in Chancery; 24.

Court of Appeal sitting in Bankruptcy to be a Court of Record; 25.

Appeals to be brought on by Petition, Motion, or Special Case; 26.

Court of Appeal may direct Questions of Fact to be decided by a  
Jury; 27.

Appeals to be entered in Office of Chief Registrar; 28.

Appeal to the House of Lords; 29.

Appointment and Payment of Substitute during temporary Absence  
of the Commissioner or Registrar; 30.

During Vacation, &c. any Commissioner acting in London may act  
for Senior Commissioner; 31.

Courts to be auxiliary to each other; 32.

Proceedings, &c. in the Country to be transmitted to Chief Regis-  
trar; 33.

Sealing and Signature of Warrants; 34.

Records of Proceedings to be sealed; 35.

### *Of the Registrar.*

Filling up Vacancies in the Office of Registrar; 36.

Appointment of additional Registrars; 37.

Vacancy in Office of Chief Registrar; 38.

Registrar of County Court to act as Registrar of Bankruptcy Court; 39.

Chief Registrar to keep List of unclaimed Dividends; 40.

Chief Registrar to enter in Books an Abstract of all Proceedings;  
41.

Chief Registrar to keep Records of the Court; 42.

Power of the Chief Registrar to receive Fees; 43.

Fees to be accounted for; 44.

Registrars to attend Commissioners; 45.

Court may direct Registrar to examine Witnesses; 46.

Registrars to provide Seals; 47.

Registrars to transmit Copies of Proceedings to Chief Registrar; 48.

Registrar

Registrar in Country Districts to be Taxing Officer ; 49.  
Appeal from his Taxation ; 50.  
Chief Registrar to make Returns as to the Chief Registrar's Fund ;  
51.  
Registrars to make Return to Parliament ; 52.  
Office of Accountant abolished ; 53.  
All Funds to stand to the Chief Registrar's Account ; 54.  
Chief Registrar's Account to be liable to Demands ; 55.  
Lord Chancellor may order Investment ; 56.  
Application of Interest of such Investment ; 57.  
Lord Chancellor may order Transfers to Commissioners for Reduction of National Debt ; 58.  
Chief Registrar's Account subject to Lord Chancellor's Orders ; 59.

*Of the Registrar of Meetings, and Housekeepers.*

Registrar of Meetings continued ; 60.  
Lord Chancellor to fill Vacancy ; 61.  
Duty of Registrar ; 62.  
Registrar to take Oath ; 63.  
Present Housekeeper continued ; 64.  
Duties of Housekeeper ; 65.  
Power to remove Registrar and Housekeeper ; 66.  
Allowances to Registrar and Housekeeper ; 67.  
Fees of Registrar of Meetings ; 68.

*Of the Official Assignees.*

Vacancies to be filled up by Lord Chancellor ; 69.  
Official Assignees to give Security, &c. ; 70.  
Official Assignee to act as sole Assignee till Creditors Assignee chosen ; 71.  
Official Assignee may, when authorized by the Court, perform any Duty of a Creditors Assignee ; 72.  
Official Assignee to take possession of Bankrupt's Estate ; 73.  
Official Assignee not personally liable for Acts done in execution of his Duty ; 74.  
Court may appoint another Official Assignee on Death, &c. ; 75.  
Duties of Official Assignee to cease on Appointment of Creditors Assignee ; 76.



Official Assignee to render Account to the Creditors Assignee ; 77.

Creditors Assignee shall audit Accounts of Official Assignee ; 78.

Remuneration ; 79.

Official Assignee may be Creditors Assignee, Trustee, or Inspector ; 80.

*Of the Master.*

Duties ; 81.

Review of Master's Taxation ; 82.

Master to be subject to General Order ; 83.

Settlement of Bills of Auctioneers, Appraisers, Valuers, and Accountants ; 84.

*Of the Messengers and Brokers.*

Their Offices abolished ; 85.

*Of the Ushers.*

To be appointed by Commissioner ; 86.

Removable by Lord Chancellor ; 87.

Vacancies to be filled up by Commissioner ; 88.

*Of the Officers of the Court.*

Restriction as to Officers practising as Barristers or Attornies ; 89.

Tenure of Offices ; 90.

Officers ineligible to sit in Parliament ; 91.

Officers, &c. exempt from serving on Juries, &c. ; 92.

Power to Her Majesty to remove Officers ; 93.

Vacancies need not be filled up ; 94.

Appointment of temporary Officers ; 95.

Their Remuneration ; 96.

Lord Chancellor may appoint Clerks ; 97.

*Salaries.*

Salaries to commence from Time of Appointment ; 98.

Salaries of Officers whose Offices are abolished by this Act ; 99.

Salaries of Officers ; 100.

Salaries when payable ; 101.

Insolvency Commissioners Salaries continued by way of Retiring Pension ; 102.

Compensations in respect to Offices abolished by this Act ; 103.

Such

## *Bankruptcy and Insolvency.*

v

Such Officers to fill Offices in Court if appointed thereto, or to forfeit Compensation; 104.

Compensation and Annuities under former Acts continued; 105.

Retiring Pensions to Officers; 106.

Sum not exceeding £            per Annum to be subject to Orders of Lord Chancellor for incidental Expenses; 107.

### *Of the winding up of Matters depending in the Court.*

Official Assignees to continue to act as at present; 108.

Transfer may be made from one Official Assignee to another; 109.

Accountant to act as at present; 110.

Chief Registrar may be appointed to act as Accountant; 111.

### *Of the Insolvent Debtors Court.*

Court for the Relief of Insolvent Debtors abolished; 112.

Vacancies in Office of Commissioner, &c. not to be filled up; 113.

Release of Commissioners and Officers; 114.

Option to Commissioners, &c. to retire according to Seniority; 115.

Petitions now pending in Insolvent Debtors Court to be disposed of, notwithstanding the passing of this Act; 116.

Power to the Lord Chancellor to transfer Matters depending in Insolvent Debtors Court; 117.

Recognizances of Sureties entered into under 1 & 2 Vict. c. 110. for enforcing Attendance of Insolvents extended; 118.

Power of Insolvent Debtors Court to proceed summarily in winding up Matters depending; 119.

Court House to be sold; 120.

Lord Chancellor by Order to give Directions as to Sale; 121.

Unclaimed Money in the Insolvent Debtors Court may be transferred to the Credit of the Commissioners for the Reduction of the National Debt; 122.

In case of Deficiency of Residue of unclaimed Money after such Transfers, Treasury may pay Assignees or Creditors rightly claiming any Sum; 123.

### *Of the Buildings for holding the Court.*

Court of Bankruptcy in Basinghall Street to vest in London Commissioners; 124.

Building to continue to be called "The Court of Bankruptcy;" 125.

Such Building to be under the Direction of London Commissioners; 126.

The Buildings not to be occupied as a Residence except by a Registrar and Housekeeper ; 127.

Buildings in which County Courts are held to vest in the Commissioners of such Courts respectively ; 128.

### *Of Fees.*

Certain Documents to be written on stamped Vellum, &c. in lieu of Fees ; 129.

Fees may be altered by General Order ; 130.

Commissioners of Inland Revenue to give the necessary Directions, and to receive and pay over the Proceeds ; 131.

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps ; 132.

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act ; 133.

Documents not to be received unless a Stamp be impressed ; 134.

Charges for Office Copies ; 135.

Percentage on Estates abolished ; 136.

### *Of the Persons liable to become bankrupt.*

All Debtors subject to this Act ; 137.

Aliens and Denizens ; 138.

Members of Parliament ; 139.

Provisions of Act extended to married Women ; 140.

### *Of Acts of Bankruptcy in general.*

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer ; 141.

Conveyance of all a Debtor's Property not an Act of Bankruptcy, unless a Petition for Adjudication be filed within Three Months ; 142.

Lying in Prison, and escaping out of Prison ; 143.

Filing a Declaration of Insolvency ; 144.

Declaration to be filed with Registrar ; 145.

Copies to be sent to Chief Registrar ; 146.

Compounding with Petitioning Creditor ; 147.

Debtor suffering Execution to be levied ; 148.

Debtor



Debtor not paying, securing, or compounding for a Judgment Debt upon which the Plaintiff might sue out Execution within Seven Days after Notice requiring Payment; 149.

Person disobeying Order of a Court of Equity for Payment of Money after Service of peremptory Order for Payment on a certain Day; 150.

Filing Petition in Insolvent Debtors Court; 151.

Filing Petition for Arrangement between a Debtor and his Creditors; 152.

Debtor having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action; 153.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies; 154.

No Person liable upon an Act of Bankruptcy committed more than Twelve Months before filing Petition; 155.

*Of Procedure to obtain Adjudication.*

Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy; 156.

Petition to be filed and prosecuted in the Court for the District in which the Trader shall have resided or carried on Business for Six Months next before Petition, except upon Special Order; 157.

Amount of Petitioning Creditor's Debt; 158.

Petition for Adjudication may be made by the Public Officer of certain Copartnerships; 159.

Debtor may petition for Adjudication of Bankruptcy against himself; 160.

Debtor to furnish, with his Petition, a Statement of his Debts, &c.; 161.

Where Petitions for Adjudication are to be filed; 162.

Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar; 163.

If Adjudication be not obtained within Three Days after Petition, any other Creditor may proceed on it; 164.

Petitions may be presented against One or more Partners in a Firm; and Petitions against Two or more Persons may be dismissed as to One or more, without affecting the rest; 165.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted in the Court in which the First was prosecuted; 166.

In case Debtor against whom a Petition has been filed be about to quit England, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested and his Goods seized; 167.

Court may before Adjudication summon Witnesses to prove Act of Bankruptcy; 168.

*Of Adjudication, and Proceedings thereunder.*

Upon Debtor's Petition; 169.

Upon Creditor's Petition; 170.

Summons to be issued to Creditor; 171.

Delivery of Account and Notice in case of Partnership; 172.

Manner of Proceeding upon Appearance of the Debtor; 173.

What shall be deemed a Refusal to admit Debt; 174.

Admission of Debt signed elsewhere than in Court, if attested by Debtor's Attorney, to have the same Force as an Admission signed in Court; 175.

Appointment of Official Assignee; 176.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient; 177.

Bankrupt to have Notice thereof before Advertisement of Adjudication, and be allowed Three Days, or such extended Time, not exceeding Seven Days, as the Court shall think fit, to show Cause against Adjudication; 178.

Bankrupt to surrender and conform; 179.

Bankrupt to deliver up his Books of Account to the Official Assignee; 180.

Search Warrants may be granted; 181.

No Action to be brought against Persons acting in obedience to the Warrant of the Court; 182.

Proof in such Actions that Defendant is Petitioning Creditor sufficient to render him liable; 183.

Persons acting under Warrant may break open the Bankrupt's Doors and seize upon his Body or Property; 184.

Execution of Warrant in Ireland; 185.

Execution of Warrant in Scotland; 186.

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison, may be brought by Warrant to be examined or surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release absolutely or conditionally; 187.

If arrested, to be discharged on producing Protection; 188.

Petitioning Creditor to proceed at his own Costs, until Choice of Assignee; 189.

- No Petition to be superseded, &c. by reason only of Concert ; 190.  
Court may proceed notwithstanding Death of Bankrupt ; 191.  
Court may summon and examine Bankrupt ; 192.  
Court may summon and examine Bankrupt's Wife ; 193.  
If Bankrupt be keeping out of the Way, or be about to quit England, &c., Court may issue Warrant ; 194.  
Court empowered to summon Persons suspected of having Bankrupt's Property, &c. ; 195.  
Service of Summons where Person keeps out of the Way ; 196.  
Power to examine Persons summoned or present at any Sitting ; 197.  
In a Case of Debts admitted to be due to Bankrupt's Estate, Court may order Payment ; 198.  
Court may order Letters addressed to Bankrupt to be re-directed or delivered to Assignee ; 199.

*Consequences of Adjudication in certain Cases.*

- Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property ; 200.  
Power of Court over certain Conveyances, &c. made by Bankrupt ; 201.  
Court may proceed when the Bankrupt by Fraud makes himself accountable to the Crown ; 202.  
Where Bankrupt beneficially entitled to Stock, Court may make Order for Transfer ; 203.  
Distress not to be available for more than Six Months Rent due ; the Landlord to prove for the Residue ; 204.  
Where Bankrupt is a Trustee the Lord Chancellor may order Conveyance or Assignment to another Trustee ; 205.  
Titles to Property sold not to be impeached, unless Proceedings taken to annul and duly prosecuted ; 206.  
The Court, after Adjudication, may order any Treasurer, &c. or Agent of the Bankrupt, to deliver all Monies, &c. ; 207.  
Goods under Attachment to be delivered up ; 208.

*Of Transactions not affected by Bankruptcy.*

- Payments, Conveyances, Contracts, &c., Executions, Sequestrations, &c., against Lands, Benefices, and against Goods, to be valid if no Notice of prior Act of Bankruptcy ; 209.



## *Bankruptcy and Insolvency.*

Bona fide Purchases not to be impeached by Notice of Act of Bankruptcy, unless Petition be filed within Twelve Months after the Act of Bankruptcy; 210.

### *Of Warrants of Attorney.*

Certain Warrants of Attorney, Cognovits, and Consents to Judge's Order, given within Two Months of filing Petition, to be null and void; 211.

Warrant of Attorney and Cognovit Actionem not to be acted upon against Goods of Bankrupt after Adjudication; 212.

Warrants of Attorney and Cognovits Actionem given by any Debtor to be void, unless the same or a Copy thereof be filed, &c. within Twenty-one Days after the Execution thereof; 213.

Judge's Order obtained by Consent given by any Debtor Defendant to be void, unless the same or a Copy be filed within Twenty-one Days, in like Manner as Warrants of Attorney and Cognovits Actionem; 214.

### *Exemptions from Stamp Duties.*

Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duties; 215.

### *First Meeting of Creditors, and Transfer of Petition into a County Court.*

After Surrender, Court forthwith to appoint Meeting of Creditors; 216.

If Meeting held elsewhere than at Place of Court, Registrar to preside; 217.

Majority of Creditors may direct Petition to be transferred into County Court; 218.

Court to make Transfer thereupon; 219.

### *Meeting for Choice of a Creditors Assignee.*

Creditors Assignee, when and how chosen; 220.

Joint Creditor entitled to prove separate Estate, for the Purpose of voting in the Choice of Creditors Assignee; 221.

Affirmation by Court; 222.

Election of Creditors Assignee after a previous Election declared void; 223.

Security; 224.

Banking Account; 225.

Remuneration

Remuneration of Creditors Assignee ; 226.

Certificate of Appointment ; 227.

Registration of Certificate ; 228.

Removal of Creditors Assignee and Election of a new One in certain Cases ; 229.

Mode of electing new Creditors Assignee, and his Duties ; 230.

*Rights and Duties of Creditors Assignee.*

Personal Estate to vest in Assignee ; 231.

Real Estate to vest in Assignee ; 232.

Where a Conveyance of the Property of a Bankrupt would require to be registered, the Order or Certificate of Appointment of the Assignee shall be registered ; 233.

Assignee not to take Crop in any other Way than Bankrupt would have been entitled to ; 234.

Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c. ; and if Creditors Assignee decline to determine whether he will accept Conveyance, &c., any Person entitled may apply to the Court ; 235.

Vendor of Estate in Lands may compel Creditors Assignee to elect whether they will abide by or decline the Agreement for Sale ; 236.

Creditors Assignee may execute Powers previously vested in Bankrupt ; 237.

Court may order Bankrupt to join in Conveyances ; 238.

Conditional Estates granted by Bankrupt may be redeemed by Assignees ; 239.

Creditors Assignee may appoint the Bankrupt to superintend the Management of the Estate ; 240.

Assignees to be subject to the Orders of the Court ; 241.

In case of a Member of a Firm becoming bankrupt, the Court may authorize Action or Suit in Name of the Creditors Assignee and of the remaining Partner ; 242.

Creditors Assignee may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration ; 243.

Reference to Arbitration may be made a Rule of Court ; 244.

Creditors Assignee may sell outstanding Debts ; 245.

Creditors Assignee may allow Mortgagee to bid at Sale ; 246.

Property may be mortgaged if more beneficial ; 247.

Pay, Half Pay, and Pensions of Bankrupts to be applicable for Creditors ; 248.

Sequestration of Profits of Benefice may be obtained ; 249.  
 Books, Papers, &c. of Bankrupt to be destroyed ; 250.  
 If Petition or Adjudication be dismissed, Persons from whom the  
 Assignees have recovered, or who have bonâ fide paid the Assign-  
 nees, &c., discharged from Claims by the Bankrupt ; 251.  
 Suits not to abate by Death or Removal of Assignees ; 252.  
 Court may determine on all Differences between Assignees, Creditors,  
 &c. ; 253.  
 Limitation of Actions ; 254.

*Of the Inspectors.*

Three Inspectors to be elected by Creditors ; 255.  
 Their Duties ; 256.  
 Subject to the Court and Meetings of Creditors ; 257.

*Of the last Examination.*

The Bankrupt to prepare and file a Statement of Accounts ; 258.  
 Assistance in the Preparation of the Statement ; 259.  
 Statement of Accounts to be open to Creditors ; 260.  
 Bankrupts apprehended by Warrant ; 261.  
 Court may adjourn last Examination sine die ; 262.  
 If Bankrupt in Prison or Custody, Court may appoint a Person to  
 attend him with Books, Papers, &c., to enable him to prepare  
 Statement ; 263.

*Of Proof of Debts and Payment in full.*

When and how Debts may be proved ; 264.  
 False Declaration a Misdemeanor ; 265.  
 Statements to be examined by Assignees ; 266.  
 Bonâ fide Creditors in respect of Debts contracted after an Act of  
 Bankruptcy may prove ; 267.  
 Payment of Assessed Taxes ; 268.  
 If Bankrupt an Officer of and have Monies, &c. in his Hands  
 belonging to any Friendly Society, Court to order Payment  
 thereof before any of his other Debts are satisfied ; 269.  
 Three Months Wages or Salary to be paid to Clerks or Servants ;  
 270.  
 Wages not exceeding 40s. to be paid to Labourer or Workman ; 271.  
 Apprentices to Bankrupts to be discharged from their Indentures ;  
 272.

Mutual



Mutual Debts and Credits may be set off, notwithstanding prior Act of Bankruptcy; 273.

Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest; 274.

Sureties and Persons liable for the Debts of a Bankrupt may prove, after having paid such Debts; 275.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Assurance, admitted to claim, and after Loss to prove. Persons effecting Insurance admitted to prove Loss; 276.

Annuity Creditors admitted to prove; 277.

Sureties for Payment of Annuities granted by Bankrupt, in what Manner to come under the Bankruptcy; 278.

Debt contingent at the Time of the Bankruptcy to be provable for the Value thereof ascertained by the Court, or if Value not ascertained before the Contingency has happened, then, after the Contingency has happened, Amount of Debt may be proved; 279.

Liability contingent at the Bankruptcy may be admitted to claim, and after Contingency has happened, and the Demand been ascertained, Demand may be proved; 280.

On Bankruptcy of Agent entrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed; 281.

Interest upon Debts, when provable, though not reserved or agreed for; 282.

Plaintiff or Defendant obtaining Judgment, &c., entitled to prove for Costs; 283.

Proof for proportional Part of Rent or other Payment; 284.

Proving Debt to be an Election not to proceed against the Bankrupt by Action; 285.

Court may expunge Proof of any Debts which, after Investigation, do not appear to be due; 286.

Creditors having Security not to receive more than other Creditors; 287.

#### *Of Dividends.*

Declaration of Dividends by Inspector; 288.

Meeting of Creditors to consider Accounts and declare Dividends; 289.

Like Proceedings at successive Periods of Four Months; 290.

No Action to be brought for Dividends, but the Remedy to be by Application to the Court; 291.

*Of the Discharge of the Creditors Assignee.*

Creditors to pass a Resolution on the Conduct of the Creditors Assignee, after which the Creditors Assignee may apply to the Court for a Discharge; 292.

Effect of Discharge; 293.

Unclaimed Dividends, &c. to be paid into the Bank of England to the Credit of "The Chief Registrar's Account;" 294.

Bank of England to receive from Assignees, and give a Receipt for, any Sum mentioned in a Certificate of the Chief Registrar; 295.

*Of Allowances to the Bankrupt.*

Allowance to Bankrupt for Maintenance; 296.

Allowance to Bankrupt out of his Estate; 297.

Allowances to be made upon Bankrupt's Application, and after Notice and Hearing by the Court; 298.

One Partner may receive Allowance, though other not entitled; 299.

If Produce of Estate pay Twenty Shillings in the Pound, and leave Surplus, such Surplus to be paid to Bankrupt, after Payment of Interest on Debts; 300.

Execepted Articles to be allowed to a Bankrupt; 301.

An Inventory and Valuation of the Remainder of the Bankrupt's Household Furniture, &c. to be made, which shall not be sold without Order of the Court; 302.

If the Bankrupt shall be entitled to any Allowance, his Household Furniture to be taken in lieu; 303.

*Of the Certificate of Conformity.*

Mode of obtaining Certificate of Conformity; 304.

The Sitting for the last Examination and Certificate may be the same; 305.

No Classifications of Certificates; 306.

Certificate to be under Hand and Seal, and to certify the Bankrupt's Conformity, &c.; 307.

Certificate to discharge Bankrupt from Arrest in respect of all Debts due by him when he became bankrupt; 308.

Cases in which Certificate is to be refused; 309.

When Certificate to be suspended; 310.

Certificate may be recalled; 311.

Certificate

Certificate not to be delivered to Bankrupt until after Expiration of Time for Appeal, and if Appeal duly entered Certificate to be further kept by the Court to abide the Judgment of the Court of Appeal; 312.

Allowance of the Certificate, and Refusal or Suspension thereof, except in case of Appeal, to be final and conclusive, unless obtained fraudulently; 313.

Consideration given to induce Creditor to forbear Opposition illegal; 314.

Bankrupt not liable upon any Promise to pay Debt discharged by endorsed Certificate; 315.

Bankrupt having obtained his Certificate free from Arrest, and having obtained Endorsement free from Action; 316.

Certificate allowed before 11th October 1849, and not confirmed, to be valid; 317.

*Of Estates Tail.*

Clauses in 3 & 4 Will. 4. c. 74., with respect to Disposition of Estates Tail under Bankruptcies, extended to Proceedings under Petition for Adjudication; 318.

*Of Copyholds.*

Court may make Sale of Copyhold Lands for the Benefit of Creditors; 319.

Vendees of Copyhold Lands shall compound with the Lord for their Fines; 320.

Mode of Proceeding with Prisoners of unsound Mind; 321.

Proceedings to be as in Bankruptcy; 322.

*Of Arrangements under the Superintendence of the Court.*

Any Trader unable to meet his Engagements with his Creditors may petition County Court for Protection; 323.

Petition to be supported by Affidavit; 324.

Notice to be given in the Gazette; 325.

Court to appoint Sitting and Official Assignee, &c.; 326.

Petitioning Debtor to file the Account Ten Days before the Day appointed for Sitting, and furnish Official Assignee with a Copy; 327.



Proof of Debts; 328.

At First Sitting, if Three Fifths in Number and Value of Creditors assent to Proposal, Meeting for Confirmation to be appointed; 329.

If at Second Sitting Three Fifths in Number and Value of the Creditors agree to accept, Resolution to be binding on all; and Court, if it think the Proposal reasonable and proper to be executed, to approve and confirm the same; 330.

Creditors Assignee; 331.

Estate to vest in Creditors Assignee; 332.

Resolution may provide for Management of the Estate; 333.

Assignees to be subject to the Court as in Bankruptcy; 334.

Court to have Jurisdiction as in Bankruptcy; 335.

Proceedings to be similar to those in Bankruptcy; 336.

If any Difficulty arise in the Execution of Resolution, &c., a Special Sitting may be held; 337.

Certificate in Nature of a Certificate of Conformity; 338.

Court to hear Parties for and against the Certificate; 339.

Court to determine on the same Principles as in Bankruptcy; 340.

Form and Operations of Certificate; 341.

Order for Discharge of Creditors Assignee; 342.

Meetings to be either public or private; 343.

#### *Of Arrangements after Adjudication of Bankruptcy.*

Creditors may resolve that Estate ought to be wound up under a Deed; 344.

Court may stay Proceedings in the Bankruptcy; 345.

Interim Management of the Estate; 346.

Confirmation of Deed by the Court; 347.

Memorandum of Order to be endorsed on the Deed; 348.

Where Deed not confirmed, Bankruptcy to proceed; 349.

Deed to be registered; 350.

#### *Composition after Bankruptcy.*

If after Adjudication a Majority in Number and Four Fifths in Value of Creditors accept Composition, the same shall bind the rest; 351.

Higher Compensation payable to any Creditors for assenting, rendered void; 352.

*Of Arrangements by Deed rendered obligatory on Creditors not signing the same.*

Deed of Arrangement entered into between any Debtor and his Creditors, and executed by a Majority in Number and Four Fifths in Value of the Creditors, to be binding on all ; 353.

Deed of Memorandum to be registered ; 354.

Notice to be given in the Gazette ; 355.

Trustee or Inspector, &c. to certify as to proper Number of Creditors having signed, which Certificate shall be filed ; 356.

Certificate may be cancelled by the Court ; 357.

Account of Debts, &c. to be annexed to such Certificate, and to be verified by Affidavit of Arranging Debtor ; 358.

Fraudulent Mis-statement by Debtor to deprive him of the Benefit of the Arrangement ; 359.

Creditors to have the same Rights as in Bankruptcy, and not to be prejudiced with respect to their Rights against Third Persons ; 360.

*Of Arrangements not rendered obligatory on Creditors not signing.*

Any Deed or Memorandum of Arrangement may be registered ; 361.

Power of the Court to compel Registration ; 362.

Persons may be appointed to attend Meetings held under the Arrangement ; 363.

*Of Arrangements by Deed or Memorandum in general.*

Court may summons and examine Debtor and other Persons ; 364.

In case of improper Administration, any Creditor may apply to the Court ; 365.

Courts to have Jurisdiction of Courts of Equity and Bankruptcy in respect of such Arrangement ; 366.

Partial Orders may be made ; 367.

Binding Declarations of Right ; 368.

*Of Distribution of Estates of deceased Debtors.*

Creditors of deceased Debtors may petition the Court of Bankruptcy for Distribution of the Estate of the Deceased ; 369.

Form of Petition and of Affidavit annexed ; 370.

Proceedings on such a Petition, and Order thereon if no Cause shown by Executors ; 371.

- Proof on which Orders of Distribution is to be made ; 372.
- What shall be required from Persons showing Cause against Order for Distribution ; 373.
- Court may summon any Person whom the Justice of the Case requires ; 374.
- Executor or Administrator of deceased Debtor may petition for Order for Distribution ; 375.
- No Order to be made where Proceedings are pending for Administration in Equity ; 376.
- Court may issue Warrant to secure the Property of the Deceased in certain Cases ; 377.
- Before Order, Court may summon Witnesses to give Evidence of Trading, &c. ; 378.
- Power of Senior Commissioner to give Directions as to Proceedings under Petitions for Distribution ; 379.
- Petition of Copartnership ; 380.
- If Order for Distribution not made within Three Months, Petition to be dismissed ; 381.
- Notice of Order for Distribution, and of Sittings ; 382.
- Effect of Order for Distribution, and Proceedings thereon ; 383.
- Court need not appoint Official Assignee in certain Cases ; 384.
- Priority of Funeral and Testamentary Expenses preserved ; 385.
- Certain Savings of Rights of Executor ; 386.
- Savings applicable to the Cases where there is no Proof of Act of Bankruptcy within Three Months before the Debtor's Decease, &c. ; 387.
- Saving for bonâ fide Acts done in due Course of Administration before the filing of the Petition for Order, or Notice of the Intention to file it ; 388.
- Adjudication to be a Bar to Proceedings at Law or in Equity ; 389.
- Surplus, after Payment of Debts in full, with Interest, to be paid to Representatives of the Deceased ; 390.
- Court to have Powers of the Court of Chancery ; 391.
- Provisions as to Arrangement and Composition after Adjudication of Bankruptcy to apply after Order for Distribution ; 392.
- Provisions for Distribution not to apply to London District ; 393.

*Notices.*

- Notices to be sent by Post ; 394.

*Meetings.*



*Meetings.*

Creditors Assignee or Inspector may call Meeting of Creditors ; 395.  
Notices thereof to be given in Gazette and by Letter ; 396.  
Chairman of Meeting ; 397.  
Questions to be decided by Majority ; 398.  
Creditors may appoint Proxies ; 399.  
Creditors appearing by Proxy to be considered as present ; 400.

*Majorities.*

Creditors to vote according to Balance due to them, on Account fairly stated ; 401.  
Creditors under £     to be reckoned in Value, not in Number ; 402.  
Court may make Declaration of such Majority having acted ; 403.

*Registration of Deeds and Memoranda.*

The Registrar of Bankruptcy Court and County Courts to be Registering Officer ; 404.  
Registering Officer may call for Evidence of the Execution and Authenticity of the Instrument ; 405.  
Abstract of Instrument to be entered on the Register ; 406.  
Copy of the Memorial or Abstract thereof to be sent to Chief Registrar ; 407.  
Register to be open to the Public ; 408.  
Fees to be paid as directed by General Order ; 409.

*Of Evidence.*

Officer of Court to produce Proceedings and give Copies thereof ; 410.  
The Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt ; 411.  
Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence ; 412.  
Judicial Notice to be taken of Signature of Commissioner or Registrar, and of the Seal of the Court ; 413.  
Evidence of Declaration of Insolvency ; 414.  
Copy of Petition, &c. under Insolvent Debtors Act in India, &c. to be admitted as Evidence ; 415.  
Advertisements, when Evidence ; 416.

Adjudication, Appointment of Assignees, and Certificates, &c. to be conclusive on all Persons ; 417.

Certificate of Trustees, &c. under Arrangement to be conclusive on all Persons ; 418.

Provisions of 6 & 7 Vict. c. 85. to be applicable to any Matter in prosecution under this Act ; 419.

On Death of Witness, Office Deposition or Copy thereof to be Evidence ; 420.

Before whom Affidavits are to be sworn ; 421.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison ; 422.

Declaration may be substituted for Oath ; 423.

Declaration to be in Form prescribed ; 424.

Fees payable on making Affidavits and Declarations ; 425.

Same Fees payable on Declaration as on Oath for which it is substituted ; 426.

Evidence may be taken vivâ voce or upon Affidavit ; 427.

Bankrupt and Bankrupt's Wife to be examined upon Declaration ; 428.

Proceedings to be in Forms given by General Order ; 429.

Want of Forms not to invalidate Proceedings ; 430.

#### *Of Solicitors.*

Every Solicitor of the High Court of Chancery, duly admitted as a Solicitor in the Court of Bankruptcy, may practise in the Court ; 431.

Misconduct of Attorney or Solicitor ; 432.

#### *Costs.*

Court may award Costs to the Creditor or the Debtor summoned ; 433.

If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be liable to Costs ; 434.

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy, under 1 & 2 Vict. c. 110., to be applicable to this Act ; 435.

Court may in all Cases award Costs, which may be recovered as if they were awarded by Rule of a Superior Court at Westminster ; 436.

Witnesses

Witnesses and Persons known or suspected to have Bankrupts or Insolvents Property, &c., entitled to Costs of Attendance, &c.; 437.

*Of Offences against the Law of Bankruptcy.*

Bankrupt not attending or delivering up Books, &c., how punishable; 438.

Misdemeanor punishable with Two Years Imprisonment; 439.

Misdemeanor punishable with One Year's Imprisonment; 440.

False Evidence; 441.

Commissioners to have Power of Justices of the Peace in committing, &c.; 442.

Court may appoint Prosecutor; 443.

Expenses of Prosecution; 444.

Assignee and Creditors who have proved to be deemed Judgment Creditors, and Court to grant Certificate thereof, which shall have the Effect of Judgment of Superior Court at Westminster; 445.

Assignee for the Time being may issue Execution on such Certificate; 446.

Bankrupt taken in Execution not to be discharged except by Order of the Court; 447.

Any Person refusing to be sworn, &c., or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed; 448.

Questions to be particularly specified on Warrant; 449.

Persons disobeying any Rule or Order of Court to be committed to Prison until they conform, or the Court or the Court of Appeal shall otherwise order; 450.

If Bankruptcy or Distribution be fraudulently or maliciously prosecuted, Court may order Satisfaction; 451.

Petitioning Creditor compounding with Debtor after Bankruptcy; 452.

Concealing Bankrupt's or Insolvent's Effects; 453.

Obtaining Money, Goods, &c. as an Inducement to forbear Opposition, or to consent to Allowance of Certificate; 454.

Officers, &c. taking Fees improperly; 455.

Inserting Advertisements without Authority; 456.

Forging Signature of Commissioner, or Officer, or Seal of the Court; 457.



Gaoler suffering Persons committed to escape ; 458.

Application of Forfeitures ; 459.

Definition of Terms ; 460.

Provisions of this Act applicable to Fiats in Bankruptcy already  
issued ; 461.

SCHEDULES.

---



A

# B I L L

TO

Amend and consolidate the Laws relating to  
Bankrupts and Insolvents.

**W**HEREAS it is expedient to amend and consolidate the Preamble.  
Laws relating to Bankrupts and Insolvents, and to extend  
the Jurisdiction of the Court of Bankruptcy: Be it there-  
fore enacted by the Queen's most Excellent Majesty, by and with the  
5 Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the Authority  
of the same, as follows:

*General  
Provisions.*

I. From and after the *Commencement of this Act*, the several  
Acts and Parts of Acts set forth in the Schedule A. to this Act  
10 annexed, to the Extent to which such Acts or Parts of Acts are by  
such Schedule expressed to be repealed, and every other Act or Acts,  
and such Parts of every other Act or Acts, as shall be inconsistent  
with this Act, shall be repealed, except so far as may be necessary for  
the Purpose of supporting any Proceedings taken or to be taken under  
15 and after the *Commencement of this Act* upon any Trading, Act of  
Bankruptcy, Petitioning Creditor's Debt, Petition, or other Proceeding  
in Bankruptcy before the *Commencement of this Act*, and except as  
to the Punishment of any Offence which shall have been committed,

[Bill 154.]

A

and

and as to the Recovery and Application of any Penalty which shall have been incurred, before the *Commencement of this Act*: Provided always, that such Repeal shall not be construed to lessen or affect any Right to which any Person may, at the Time of such Repeal, be entitled under the said Acts or Parts of Acts, or to lessen any Liability then existing thereunder. 5

Short Title. II. This Act may be cited for all Purposes as "The Bankrupt Law Consolidation Act, 1858."

Act not to extend to Scotland or Ireland. III. This Act shall not extend to Scotland or Ireland, except where otherwise expressly provided. 10

Commencement of Act. IV. This Act, unless where otherwise specially provided, shall commence and take effect from and after the *Day of in the Year One thousand eight hundred and fifty* ; and from and after the *Commencement of this Act* all Proceedings in Bankruptcy or to found an Act of Bankruptcy shall be by virtue of and according to the Provisions of this Act; and all Proceedings in Bankruptcy, and every Petition in Bankruptcy and Petition or other Proceeding, depending at the *Commencement of this Act* in the Court of Bankruptcy, shall be proceeded in and brought to a Conclusion under the Provisions of this Act: Provided that every Trading, Act of Bankruptcy, Petitioning Creditor's Debt, or other Matter or Thing, before the *Commencement of this Act* which would then have authorized Proceedings in Bankruptcy, shall after the *Commencement of this Act* be sufficient to authorize Proceedings in Bankruptcy under this Act, and nothing in this Act contained shall render invalid any Petition or Proceedings at the *Commencement of this Act* depending in the Court of Bankruptcy, or any Proceedings which may have been instituted or taken under or by virtue of such Bankruptcy or Petition, or lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have under or by virtue thereof, or lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have upon or against any Bankrupt against whom any Petition has or shall have been filed, or against any such Trader who may or shall have presented such Petition, except as in this Act is hereafter specially provided: Provided always, that nothing in this Act contained shall affect the Provisions of the "Joint Stock Companies Winding-up Act, 1848," or of the "Joint Stock Companies Winding-up Amendment Act, 1849," or of the "Joint Stock Companies Act, 1856," or the "Joint Stock Companies Winding-up Amendment Act, 1857," or any of the Acts therein recited, or of any Acts amending such Acts. 35 40

Joint Stock Companies Winding-up Acts, 1848, 1849, and 1857, and Joint Stock Companies Act, 1856, not to be affected.

V. Where,



V. Where, in any Act of Parliament, Instrument, Document, or other Proceeding passed, executed, or made before the *Commencement of this Act*, Mention is made of any Commission of Bankruptcy or Fiat in Bankruptcy, such Act, Instrument, Document, or Proceeding shall be so construed with reference to the Proceedings under a Petition for Adjudication of Bankruptcy as if such Commission or Fiat had been actually issued at the Time of filing such Petition.

In construing former Acts, &c., with reference to Petition for Adjudication under this Act, Fiat, &c. to be deemed to have issued at the Time of filing Petition.

And with respect to the Court, and the Jurisdiction thereof, be it enacted as follows :

10 VI. The Court of Bankruptcy shall continue to be a Court of Law and Equity for the Purposes of this Act, and shall continue to be a Court of Record ; and the Records and Proceedings of every Kind at the *Commencement of this Act* in the Court in London, and in the several Districts in the Country, shall be kept as such  
15 Records and Proceedings in like Manner in the Court so continued ; and the Court and every Commissioner thereof shall have and use all the Powers, Rights, Incidents, and Privileges of a Court of Record, and all other Rights, Incidents, and Privileges, as fully to all Intents and Purposes as the same are used and enjoyed by any of Her  
20 Majesty's Courts of Law or Judges at Westminster ; and each and every of the Commissioners for the Time being acting in London and in the several Districts in the Country shall, singly and simultaneously, or otherwise as Occasion may require, be and form the Court of Bankruptcy for every Purpose under this Act, or in execution of  
25 any Duty which may hereafter be imposed on such Court, except where otherwise in this Act specially provided.

*Constitution of the Court, &c.*

The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c.

12 & 13 Vict. c. 106. s. 6.

VII. The Commissioners and all other the Officers of the Court of Bankruptcy shall, except as is herein otherwise provided, continue to be such Commissioners and Officers of the Court.

Present Officers continued.

30 VIII. It shall be lawful for Her Majesty from Time to Time, by a Commission or Commissions under the Great Seal, to appoint any Persons, being Serjeants at Law or Barristers at Law of not less than *Ten Years* standing at the Bar, to be Commissioners of the Court of Bankruptcy, to fill up such Vacancies as shall occur in the Office of  
35 Commissioner of the Court of Bankruptcy.

Her Majesty may fill up Vacancies in the Office of Commissioner of the Court.

5 & 6 Vict. c. 112. s. 59.

IX. If the Lord Chancellor shall at any Time by Order declare that, having regard to the State of the Business of the Court of Bankruptcy, he is of opinion that an additional Commissioner or Commissioners ought to be appointed, it shall be lawful for Her  
40 Majesty, by a Commission or Commissions under the Great Seal, to  
[154.] **A 2** appoint

Her Majesty may appoint additional Commissioners.

appoint any such Persons as last aforesaid to be Commissioners of such Court, provided that the Number of such Commissioners shall never exceed

Oath of  
Commissioners.

1 & 2 W. 4.  
c. 56. s. 8.

X. Every Commissioner to be appointed by virtue of this Act shall, before he shall be capable of acting in the Execution of any of the Powers and Authorities given by this Act, take an Oath in the Presence of the Lord Chancellor to the Effect following; (that is to say,)

‘ I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Knowledge, execute the several Powers and Trusts reposed in me as One of the Commissioners of the Court of Bankruptcy, and that without Favour or Affection, Prejudice or Malice. So help me GOD.’

And any Commissioner having once taken the said Oath shall not again be required to take the same so long as he shall continue in Office.

Commissioners may make General Orders subject to Lord Chancellor's Approval.

12 & 13 Vict.  
c. 106. s. 8.

XI. The Commissioners of the Court of Bankruptcy, or any *Six* or more of them, of whom the Senior Commissioner shall be One, may from Time to Time make such General Orders as they may think fit for the better carrying of this Act into execution, and as regards the Duties to be performed by the Chief and other Registrars, the Master, Official Assignees, Registrar of Meetings, and Clerks, and by the Ushers and other Under Officers of the Court, and generally for regulating the Practice of the Court of Bankruptcy, and of the County Courts acting under the Provisions of this Act, and the Forms of Proceedings where not provided for in this Act: Provided always, that no such Orders shall be of any Force or Effect until they shall have been approved by the Lord Chancellor and by One or both of the Lords Justices of the Court of Appeal in Chancery.

Extent of  
the London  
District.

XII. The Limit and Extent of the District of the Court of Bankruptcy acting in London shall be as described in the Schedule B. to this Act annexed.

Names and  
Extent of  
the Country  
Districts.

XIII. For the Purposes of this Act there shall be *Seven* Districts in the Country, and such Districts shall be called respectively by the Names following, namely, the Manchester District, the Leeds District, the Liverpool District, the Birmingham District, the Bristol District, the Exeter District, the Newcastle-upon-Tyne District, and shall be severally of such Limit and Extent as described in the Schedule B. to this Act annexed.

Places where  
the Country  
District  
Courts shall  
sit.

XIV. The District Courts of Bankruptcy shall act in the Prosecution of the Business of the District at such Places as shall from Time to Time

to Time be appointed by Her Majesty, with the Advice of Her Privy Council.

XV. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to alter the Limit and Extent of the London and Country Districts or any of them, or to increase the Number thereof, as to Her Majesty, with the Advice aforesaid, shall seem fit.

Country Districts may be altered or increased. 12 & 13 Vict. c. 106. s. 9.

XVI. The Court of Bankruptcy shall sit for the Despatch of Business daily throughout the Year, (Sunday, Christmas Day, Good Friday, Monday, and Tuesday in Easter Week, and Days appointed for Public Fast or Thanksgiving, excepted,) and in London, and in each District in the Country, the Commissioners of the Court shall attend daily for that Purpose: Provided always, that during the Time appointed by Order of the Lord Chancellor for Vacations in the several Offices of the High Court of Chancery, the Commissioners of the Court in London and in the several Districts in the Country respectively shall have full Power and Authority to regulate the Sittings of the Court, and appoint the Attendance of such of them as Vacation Commissioner or Commissioners for that Purpose as shall appear fit and necessary for the due Administration of Justice in the said Court: Provided also, that in each District in the Country in which there is only One Commissioner, such Commissioner shall not be absent for more than *Four* Weeks during such Time appointed for Vacations, unless such further Absence shall have been allowed by the Lord Chancellor, and some Person shall have been appointed, in the Manner herein provided, to perform the Duty of such Commissioner in his Absence.

Sittings of the Court. 12 & 13 Vict. c. 106. s. 10.

XVII. The Lord Chancellor may from Time to Time attach the Commissioners and Registrars acting in the Country to such Districts as he shall think fit, and, whenever it shall appear to him to be expedient, may order any Commissioner acting for any District, whether in Town or Country, to hold Sittings at such Places within his District as the Lord Chancellor may think fit, and may give all necessary Directions in that Behalf.

Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit. 12 & 13 Vict. c. 106. s. 11.

XVIII. The Judge of every County Court (except of any Metropolitan County Court, or of the County Court sitting in any Place where any District Court of Bankruptcy sits for the Prosecution of the Business of the District,) shall have and exercise the like Jurisdiction, Rights, Powers, Authorities, and Privileges, and shall perform the like Duties in respect of all Matters and Things coming

Judge of County Court to act as Commissioner of Bankruptcy Court.



before such County Court by virtue of this Act, as are vested in and imposed upon the Commissioners of the Court of Bankruptcy. Provided that the Jurisdiction by the "Joint Stock Company's Act, 1856," vested in the Court of Bankruptcy, shall not by virtue of this Act be deemed to be extended to the County Courts.

5

Places at which County Court is to sit in Bankruptcy to be determined by Order in Council.

XIX. It shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to specify and direct the Place or Places in the District of each County Court at which such Court shall sit for the Despatch of Business under this Act.

Questions of Law raised by Consent. 15 & 16 Vict. c. 76. s. 46. 16 & 17 Vict. c. 113. s. 92. 3 & 4 Vict. c. 105. s. 50. 20 & 21 Vict. c. 60. s. 355.

XX. In any Bankruptcy, Arrangement under the Superintendence 10 of the Court, Arrangement by Deed or Memorandum, Proceedings under a Petition for the Distribution of the Estate and Effects of a deceased Debtor, or any other Proceedings within the Jurisdiction of the Court, the Parties concerned or submitting to the Jurisdiction may, at any Stage of the Proceedings, by Consent, state any Ques- 15 tion or Questions in a Special Case for the Opinion of the Court.

Payment of Money by Party on Judgment being given. 20 & 21 Vict. c. 60. s. 356.

XXI. The Parties may, if they think fit, agree that, upon the Judgment of the Court being given in the Affirmative or Negative of the Question or Questions raised by such Special Case, a Sum of Money, fixed by the Parties, or to be ascertained by the Court, or in such 20 Manner as the Court may direct, shall be paid by one of such Parties to the other of them, either with or without Costs.

Lord Chancellor may appoint Assessors.

XXII. It shall be lawful for the Lord Chancellor to nominate One or more Person or Persons resident in each of the Districts of the Court of Bankruptcy, and conversant with Mercantile Affairs, and 25 not being Barristers or Solicitors, to be the Assessor or Assessors for the District within which he or they shall be then resident, and to provide such Remuneration for such Assessors out of the Fund hereby provided for incidental Expenses, as the Lord Chancellor shall direct, provided that such Remuneration shall be by way of 30 Fee for each Matter in respect whereof such Assessor shall be called in as herein-after provided.

Duty of the Assessors.

XXIII. Any Commissioner or Judge of a County Court exercising Jurisdiction under this Act may, when it shall seem to him 35 expedient, call in One or more of such Assessors for the District to assist in the Determination of any Matter coming before the Court, and involving Questions of Mercantile Usage, or upon which it may, in the Discretion of such Commissioner or Judge, be desirable to obtain the Opinion of Persons conversant with Mercantile Affairs; and

and such Assessors, having heard such Matter debated, shall deliver their Opinion thereon in open Court: Provided that such Opinion shall be for the Guidance and Information of the Court, and shall not be binding upon it.

- 5 XXIV. The Court, in the Exercise of its Jurisdiction by virtue of this Act, shall have Superintendence and Control in all Matters of Bankruptcy, and shall hear, determine, and make Order in any Matter of Bankruptcy whatever, so far as the Assignee is concerned, relating to the Disposition of the Estate and Effects of the Bankrupt, or of any Estate or Effects taken under the Bankruptcy and claimed by the Assignee for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignee in his Character of Assignee by virtue or under colour of the Bankruptcy, and also in any Matter of Bankruptcy whatever as between the Assignee and any Creditor or other Person appearing and submitting to the Jurisdiction of the Court; and also in any Application for a Certificate, and in any other Matter (whether in Bankruptcy or not) where the Court by virtue of this Act has Jurisdiction over the Subject of the Petition or Application, save and except as may be by this Act otherwise specially provided, and subject in all Cases to an Appeal to the Court of Appeal in Chancery sitting in Bankruptcy: Provided always, that if no such Appeal shall be entered within *Twenty-one* Days from the Date of any Decision or Order of the Court, and be thereafter duly prosecuted, every such Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall by any General Order to be made in pursuance of this Act be directed.

*Jurisdiction, Primary and Appellate.*

Primary Jurisdiction of the Court, with Appeal to Court of Appeal in Chancery. 12 & 13 Vict. c. 106. s. 12. See 14 & 15 Vict. c. 83. s. 7.

- 30 XXV. The Court of Appeal in Chancery sitting in Bankruptcy as aforesaid shall remain and be a Court of Record, and shall have all the Powers thereof and incident thereto, and may adjourn any Sitting from Time to Time and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance and of Examination, and of enforcing Obedience to Examination and to any Order duly made, whether relating to any Examination or to any other Matter, and of requiring and compelling the Production of Books, Papers, Deeds, Writings, and other Documents, and shall have the like Power of Commitment, as is by this Act given to the Court of Bankruptcy.

Court of Appeal sitting in Bankruptcy to be a Court of Record. 12 & 13 Vict. c. 106. s. 13.

- 40 XXVI. All Appeals from Decisions or Orders of the Commissioners, or of the Judges of the County Courts having Jurisdiction under this Act, shall be brought on by way of Petition, Motion, or Special Case, subject

Appeals to be brought on by Petition, Motion, or Special Case.

12 & 13 Vict. subject to any General Order to be made by the Lord Chancellor  
c. 106. s. 14. and One or both of the Judges of the Court of Appeal in Chancery,  
relating to such Appeals.

Court of Appeal may direct Question of Fact to be decided by a Jury. 12 & 13 Vict. c. 106. s. 15. 8 & 9 Vict. c. 109. New Trial may be moved for.

XXVII. The Court of Appeal in Chancery sitting in Bankruptcy may, if it think fit, direct any Question of Fact arising before such 5 Court, to be decided by a Jury in London or Westminster, or by a Jury before a Judge of Assize, in Manner and Form provided in lieu of a feigned Issue by the Act of the Session of Parliament of the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and nine; and after any Question so authorized shall 10 have been decided a new Trial thereof may be moved for in the Court out of which the Writ of Summons sued out under that Act shall have been issued.

Appeals to be entered in Office of Chief Registrar, &c. 12 & 13 Vict. c. 106. s. 17.

XXVIII. All Appeals to the Court of Appeal in Chancery, and all Affidavits and Documents to be used on the Hearing of any such 15 Appeals, shall be entered in the Office of the Chief Registrar; and the said Court of Appeal sitting in Bankruptcy shall on the Hearing of such Appeals be attended by some One of the Registrars of the Court of Bankruptcy.

Appeal to the House of Lords. 12 & 13 Vict. c. 106. s. 18. 14 & 15 Vict. c. 83. s. 10.

XXIX. If any Person aggrieved by any Order or Decision of 20 the Court of Appeal in Chancery sitting in Bankruptcy shall within Four Months after the Date of such Order or Decision apply to the said Court, and the said Court shall deem any Matter of Law or Equity, the Subject of such Order or Decision, to be of sufficient Difficulty or Importance to require the Decision of the 25 House of Lords, then the Order or Decision of the said Court of Appeal sitting in Bankruptcy shall be subject to Appeal to the House of Lords, but the Appeal to the House of Lords shall be only on Matters of Law or Equity, or on the Rejection or Admission of Evidence, and on a Special Case to be approved and certified by 30 One of the Judges of the said Court of Appeal, whose Determination on the Settlement of such Case shall be final and conclusive.

Appointment and Payment of Substitute during temporary Absence of Commissioner or Registrar. 20 & 21 Vict. c. 60. s. 23.

XXX. If, during the Time in which the Court of Bankruptcy shall sit for the Despatch of Business, any Commissioner or Registrar be prevented by Sickness, or other reasonable Cause, to be allowed by the 35 Lord Chancellor, from attending, then and in every such Case the Lord Chancellor may appoint a Person (being, in the Case of a Commissioner, a Sergeant-at-Law or a Barrister-at-Law of not less than Seven Years standing at the Bar,) to perform the Duties of such Commissioner or Registrar, during such Absence; and every such Person so appointed 40 to perform the Duty of such Commissioner or Registrar as aforesaid shall



shall, during such Appointment, have and exercise all and every the Jurisdiction, Rights, Powers, Authorities, and Privileges, and be subject to all the Duties, of such Commissioner or Registrar under this Act, and shall be paid a Sum equal to the Salary of such Commissioner or  
 5 Registrar for and during the Period of his Service, to be deducted from the Salary of the Person in whose Absence he shall so act.

XXXI. Any of the Commissioners acting in London may, during Vacation, or during the Illness or unavoidable Absence of the Senior Commissioner, exercise and perform the Duties imposed upon the  
 10 Senior Commissioner by this Act.

During Vacation, &c. any Commissioner acting in London may act for Senior Commissioner.  
 12 & 13 Vict. c. 106. s. 20.

XXXII. The Court of Bankruptcy in London, and in the several Districts in the Country, and the County Courts exercising Jurisdiction under this Act, shall be auxiliary to each other for Proof of Debts, for the Examination of Persons or Witnesses on Oath, and for  
 15 all other Purposes under the Provisions of this Act: Provided always, that all such Examinations shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings in the Matter to which the same shall relate, and that no such Proof or Examination shall be taken without the Request in Writing of the Commissioner  
 20 before whom the Matter is being prosecuted.

Courts to be auxiliary to each other.  
 12 & 13 Vict. c. 106. s. 21.

XXXIII. All Proceedings before the Court of Bankruptcy in any District in the Country, or before any County Court exercising Jurisdiction under this Act, or any Part of such Proceedings or Copies or Minutes thereof, shall be transmitted to the Chief Registrar  
 25 at such Time and in such Manner as may by any General Order to be made in pursuance of this Act be directed, and be by him kept among the Records of the Court of Bankruptcy.

Proceedings, &c. in the Country to be transmitted to Chief Registrar.  
 12 & 13 Vict. c. 106. s. 23.

XXXIV. Every Warrant issued by the Court under this Act shall be under the Seal of the Court and the Hand of a Commissioner or  
 30 Judge of such Court; and every Summons shall be in Writing under the Hand of such Commissioner or Judge, or, in his Absence, under the Hand of the Registrar, and under the Seal of the Court.

Sealing and Signature of Warrants.  
 12 & 13 Vict. c. 106. c. 24.

XXXV. The Court shall cause to be sealed with the Seal of the Court all such Records, Proceedings, Documents, and Copies of the  
 35 same as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct.

Records and Proceedings to be sealed  
 12 & 13 Vict. c. 106. s. 25.

*Of the  
Registrar.*

Filling up  
Vacancies in  
the Office of  
Registrar.  
1 & 2 W. 4.  
c. 56. s. 9.

And with respect to the Registrars, be it enacted as follows:

XXXVI. It shall be lawful for Her Majesty, under Her Royal Sign Manual, from Time to Time to appoint Persons, being Barristers or Solicitors of not less than *Five* Years standing, to fill all Vacancies which shall occur in the Offices of Chief Registrar and Registrar of 5 the Court of Bankruptcy.

Appoint-  
ment of ad-  
ditional Re-  
gistrars.

XXXVII. If the Lord Chancellor shall, by Order, declare that, having regard to the State of the Business of the Court of Bankruptcy, he is of opinion that an additional Registrar or Registrars ought to be appointed, it shall be lawful for Her Majesty, under Her Royal 10 Sign Manual, from Time to Time to appoint an additional Registrar or Registrars, provided that the Number of the Registrars, exclusive of the Chief Registrar, shall never exceed

Vacancy in  
Office of  
Chief Regis-  
trar.  
16 & 17 Vict.  
c. 77. s. 3.

XXXVIII. Every Vacancy occurring in the Office of Chief Registrar shall be filled up by such One of the Registrars of the 15 Court of Bankruptcy for the Time being as the Lord Chancellor shall in that Behalf direct.

Registrar  
of County  
Court to act  
as Registrar  
of Bank-  
ruptcy Court.

XXXIX. The Registrar of every County Court exercising Jurisdiction under this Act shall have the like Authority, and shall perform the like Duties, in respect of all Matters and Things coming 20 before such County Court by virtue of this Act, as are vested in and imposed upon the Registrar of the Court of Bankruptcy.

Chief Regis-  
trar to keep  
List of  
unclaimed  
Dividends.

XL. The Chief Registrar of the Court shall make and keep a List of all unclaimed Dividends which have been paid to the Credit of the Chief Registrar's Account, and are liable to be claimed by any 25 Creditor of the Bankrupt or his Representatives, which List shall be arranged alphabetically according to the Names of the Creditors, and shall be open to the Inspection of all Persons on the Payment of such Fees (if any) and subject to such Regulations as shall be directed by any General Order to be made in pursuance of this Act; and which 30 List shall be published twice in every Year in the London Gazette.

Chief Re-  
gistrar to  
enter in  
Books an  
Abstract of  
all Proceed-  
ings.  
5 & 6 Vict.  
c. 122. s. 73.

XLI. The Chief Registrar of the Court shall keep Books in which he shall enter, in a Form to be specified in a General Order to be made in pursuance of this Act, an Abstract of the Proceedings filed in the Court of Bankruptcy, or in any County Court acting under 35 the Provisions of this Act, and a Memorial of every Deed or Memorandum registered in any Court under the Provisions of this Act, with an Alphabetical Index to each Book, and a General Alphabetical Index to the whole of such Books, which Books shall be open to Inspection of all Persons on the Payment of such Fees (if any) and subject 40 to

to such Regulations as shall be directed by any General Order to be made in pursuance of this Act.

XLII. All Proceedings, Books, Papers, and Documents constituting from Time to Time the Records of the Court shall be kept by the Chief Registrar, and shall be open to the Inspection of all Persons on the Payment of such Fees (if any) and subject to such Regulations as shall be directed by any General Order to be made in pursuance of this Act.

Chief Registrar to keep Records of the Court.  
15 & 16 Vict. c. 77. s. 11.

XLIII. It shall be lawful for the Chief Registrar to receive and take such Fees as shall be directed by any General Order to be made in pursuance of this Act.

Power for the Chief Registrar to receive Fees.  
1 & 2 W. 4. c. 56. s. 49.

XLIV. All Fees received and taken by the Chief Registrar shall be paid by him, at such Times as the Lord Chancellor shall by any Order direct, into the Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and on or before the *First Day of March One thousand eight hundred and fifty-nine*, if Parliament be then sitting, or, if not, within *Fourteen Days* from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by the Chief Registrar a Return, made up to the *Thirty-first Day of December* then last, of the total Amount of all Fees received and taken by him, and of the Payment over into the Receipt of Her Majesty's Exchequer, and a like Return shall be afterwards made by him annually at the same Period for the Year ending the *Thirty-first Day of December* then last.

Fees to be accounted for.  
See 7 & 8 Vict. c. 96. s. 50.

XLV. The Registrars shall attend upon and assist the Commissioners of the Court as shall be directed by any General Order to be made in pursuance of this Act.

Registrars to attend Commissioners.

XLVI. Whenever it shall seem expedient to the Court to direct a Registrar to act in the Prosecution of any Bankruptcy, or other Proceedings under this Act, for the Examination of Persons or Witnesses on Oath, or for the Proof of Debts, it shall be lawful for the Court so to direct, and the Travelling Expenses of such Registrar, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by the Court, and paid out of the Fund provided for incidental Expenses; and such Registrar so acting shall have and exercise all Power vested in such Court for Examination of Persons or Witnesses except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar, and all Acts done by him, shall be reduced to Writing, and shall be annexed to and form Part of the Proceedings.

Court may direct Registrar to examine Witnesses.  
12 & 13 Vict. c. 106. s. 28.



Registrars  
to provide  
Seals.  
12 & 13 Vict.  
c. 106. s. 29.

XLVII. A Seal, on which shall be engraven the Style of the Court of Bankruptcy, and (as to the Seals of District Courts) the Name of the District in which the Registrar is acting, shall be kept by the Chief and each of the other Registrars of such Court, in trust for the Purposes of such Court, and such Seal shall be and shall be 5 deemed and taken to be the Seal of the Court.

Registrars  
to transmit  
Copies of  
Proceedings  
to Chief Re-  
gistrar.

XLVIII. The several Registrars acting in the Country shall transmit to the Chief Registrar by Post, in addition to the Copies and Abstracts of Proceedings by this Act directed to be transmitted by them to the Chief Registrar, Copies and Abstracts of all such other 10 Proceedings as shall be directed by any General Order to be made in pursuance of this Act.

Registrar  
in Country  
Districts to  
be Taxing  
Officer.

XLIX. In every District Court, and in every County Court exercising Jurisdiction under this Act all Bills of Costs, Charges, Fees, and Disbursements shall (unless where such Court shall otherwise 15 direct) be taxed and settled by the Registrar of such Court.

Appeal from  
his Taxa-  
tion.

L. Such Taxation and Settlement by any Registrar shall be subject to Appeal at the Election of the Party aggrieved thereby either to such Court or to the Master, provided that all such Appeals to the Master shall be made within *Seven Days* next after 20 the Taxation and Settlement by the Registrar: provided also, that the Taxation and Settlement by the Master shall be subject to such Appeal as by this Act in that Behalf provided.

Chief Regis-  
trar to make  
Return as to  
the Chief  
Registrar's  
Fund.

LI. On or before the *First Day of March* in every Year, if Parliament be then sitting, or if not, within *Fourteen Days* from the 25 Commencement of the then next Session of Parliament, there shall be laid before Parliament by the Chief Registrar a Return setting forth the Amounts received by and paid out of the Chief Registrar's Fund during the Year ending the Thirty-first Day of December next preceding the Date of such Return, and the Amount standing to the 30 Credit of such Fund on the said Thirty-first Day of December, and such other Particulars relating to the said Fund as may be directed by any General Order to be made in pursuance of this Act.

Registrars  
to make Re-  
turns to Par-  
liament.  
See Report  
of Mercan-  
tile Law  
Conference,  
p. 23.

LII. On or before the *First Day of March* in every Year, if Parliament be then sitting, or if not, within *Fourteen Days* from the 35 Commencement of the then next Session of Parliament, there shall be laid before Parliament by every Registrar a Return, in respect of the Court to which such Registrar is attached, for the Year ending the Thirty-first Day of December next preceding the Date of such Return,

Return, setting forth the Number of Persons adjudged bankrupt, the Names and Descriptions of such Bankrupts, the Nature of the Petition on which such Adjudication was made, the Dates of such Adjudications, the Dates of all Certificates granted, and the Dates and  
 5 Amounts of all Dividends, and the like Particulars respecting Petitions for Arrangement and for the Distribution of the Estates of deceased Debtors, and also such Particulars respecting the Registration of Deeds and Memoranda of Arrangement, and such other Particulars relating to Proceedings under this Act as may be directed by any  
 10 General Order to be made in pursuance of this Act; and such Return shall be certified by the Court.

And with respect to the Accountant in Bankruptcy, be it enacted as follows :

*Of the Accountant.*

LIII. Subject to the Provision hereincontained for continuing the  
 15 Accountant in Bankruptcy for certain Purposes until he shall be released by the Lord Chancellor, the Office of Accountant in Bankruptcy shall be abolished from the *Commencement of this Act*.

Office of Accountant abolished.

LIV. All Monies and Securities which at the *Commencement of this Act* shall be standing in the Books of the Bank of England in the  
 20 Name of the Accountant in Bankruptcy to the Credit of the Accounts respectively intituled "The Bankruptcy Fund Account" and "The Unclaimed Dividend Account" shall be carried to the Credit of the Chief Registrar's Account.

All Funds to stand to the Chief Registrar's Account.

LV. The Fund standing to the Credit of the Chief Registrar's  
 25 Account shall be liable to the Payment of all unclaimed Dividends out of Estates already or to be hereafter administered under the Court, and all Dividends out of Estates under Administration at the Commencement of this Act, and to all proper Demands of any Bankrupts or their Creditors or other Persons interested in any Estate or  
 30 Matter administered by the Court; provided that no Dividend now or hereafter to be declared shall be claimed after the Expiration of *Twenty Years* from the Declaration thereof.

Chief Registrar's Account to be liable to Demands.

LVI. The Lord Chancellor may from Time to Time by Order direct that the whole or any Part of the Monies standing to the  
 35 Credit of the Chief Registrar's Account shall be invested in the Public Funds.

Lord Chancellor may order Investment.

LVII. The Interest and Profit arising from such Investment shall be carried to the Credit of the Chief Registrar's Account, or of the Commissioners for the Time being for the Reduction of the National Debt,  
 40 as the Lord Chancellor shall from Time to Time by Order direct.

Application of Interest of such Investment.

Lord Chan-  
cellor may  
order Trans-  
fers to Com-  
missioners  
for Reduc-  
tion of Na-  
tional Debt.

LVIII. The Lord Chancellor shall from Time to Time by Order direct such Portions of the Funds standing to the Credit of the Chief Registrar's Account as, having regard to the Claims then subsisting on the said Funds, he shall think proper, to be transferred to the Credit of the Commissioners for the Time being for the Reduction of the 5 National Debt.

Chief Regis-  
trar's Ac-  
count subject  
to Lord  
Chancellor's  
Orders.

LIX. The Chief Registrar's Account and the Funds thereof shall in all respects be subject to the Orders from Time to Time of the Lord Chancellor.

*Of the  
Registrar  
of Meetings  
and House-  
keepers.*

And with respect to the Registrar of Meetings and the House- 10 keeper of the Court of Bankruptcy in Basinghall Street, be it enacted as follows :

Registrar of  
Meetings  
continued.

LX. The present Registrar of Meetings shall continue to fill that Office until he shall be removed therefrom, or die, or resign such Office.

Lord Chan-  
cellor to fill  
Vacancy.

LXI. The Lord Chancellor shall on any Vacancy in the said Office 15 appoint some competent and proper Person to fill the same.

Duty of  
Registrar.  
1 & 2 G. 4.  
c. 115. s. 11.

LXII. The Registrar of Meetings shall be resident in such Part of the Building known as the Bankruptcy Court in Basinghall Street as the Commissioners acting as Trustees thereof shall direct, and shall also have an Office in some convenient and public Part of the said 20 Building ; and it shall be the Duty of the said Registrar of Meetings to be in Attendance in his said Office from the Hours of Ten o'Clock in the Forenoon till Four o'Clock in the Afternoon, and also during such other Times as the Lord Chancellor shall from Time to Time by Order direct ; and it shall further be the Duty of the said Regis- 25 trar to take and keep a Daily Journal, Registry, and Account of Meetings in Bankruptcy, or under any of the Provisions of this Act, which shall be holden in the said Buildings or any Office belonging to the same ; in which Journal or Registry shall be entered the Name of the Bankrupt or Insolvent and of the Soli- 30 citor to the Petition, and the Names of the Official and Creditors Assignees, the Hours of Meeting, and the Time to which any such Meeting shall be adjourned, and a Minute of the Nature or Purpose for which such Meeting was held, and the Amount of any Dividend declared in the said Bankruptcy, and shall also keep 35 One or more Book or Books containing an Entry or Notice of all Meetings, which shall be appointed or called by public Advertisement, of the Creditors, which Book or Books shall be kept open in the Office of the said Registrar, for the Inspection of all Persons desiring to consult the same, during Office Hours, without Fee or Reward. 40

LXIII. Every



LXIII. Every Registrar of Meetings shall and he is hereby required, before he shall act in the Execution of his said Office, to take and subscribe, in open Court, an Oath to the Purport and Effect following ; that is to say,

Registrar to  
take Oath.  
1 & 2 G. 4.  
c. 115. s. 12.

5 ' I *A.B.* do swear, That, according to the best of my Skill and Ability,  
' I will truly and faithfully execute and exercise the Office of  
' Registrar of Meetings in Bankruptcy so long as I shall continue in  
' the said Office, and that I will be ready and attendant in the said  
' Office to further Her Majesty's Business, as Need shall require.  
10 ' So help me GOD.'

LXIV. The present Housekeeper of the said Buildings and Offices in Basinghall Street aforesaid shall be continued until Removal, or until Death, or Resignation of such Office.

Present  
Housekeeper  
continued.

LXV. On every Vacancy in the Office of Housekeeper it shall and  
15 may be lawful for the Lord Chancellor to nominate and appoint a  
proper Person to be Housekeeper of the said Buildings and Offices,  
who shall be constantly resident in such Part of the said Building as  
the Commissioners acting as Trustees thereof shall require, and to  
keep the said Buildings and Offices, and the Furniture and Effects  
20 therein, in proper State and Condition, and at all Times ready for the  
Transaction of Business therein.

Duties of  
House-  
keeper.  
1 & 2 G. 4.  
c. 115. s. 13.

LXVI. It shall and may be lawful for the Lord Chancellor to  
remove the said Registrar of Meetings and Housekeeper from his  
or her Office respectively, when by reason of permanent Sickness,  
25 Infirmary, Misconduct, Neglect, or other Cause, he, she, or they shall  
be unable or incompetent, or considered unfit to discharge the Duties  
of his or her Office respectively, and to supply the Place of the Person  
so removed.

Power to  
remove Re-  
gis-  
trar and  
House-  
keeper.  
1 & 2 G. 4.  
c. 115. s. 14.

LXVII. In addition to the yearly Salaries herein-after provided for  
30 the Registrar of Meetings and the Housekeeper there shall be  
made the further yearly Allowance of *Fifty Pounds* towards the  
Expenses of a Servant or Servants in the said Buildings, and an  
Allowance of Coals and Candles to the said Registrar and the said  
Housekeeper, to be used in their respective Offices or Apartments  
35 within the said Buildings.

Allowances  
to Registrar  
and House-  
keeper.  
1 & 2 G. 4.  
c. 115. s. 15.

LXVIII. All Fees heretofore payable to the said Registrar of  
Meetings shall be abolished, except that there shall be paid to him  
for his own Use, for every Search out of Office Hours that may be  
made in the said Registry, unless by or by the Order of One of  
40 the Commissioners, the Sum of *One Shilling*, to be paid by the Party  
making such Search.

Fees of  
Registrar of  
Meetings.  
1 & 2 G. 4.  
c. 115. s. 16.

*Of the  
Official  
Assignees.*

Vacancies to  
be filled up  
by Lord  
Chancellor.

Lord Chan-  
cellor may  
remove  
Official As-  
signees.

Official As-  
signees to  
give Secu-  
rity, &c.

12 & 13 Vict.  
c. 107. s. 29.

Commission-  
ers Report,  
p. 32.

And with respect to the Official Assignees, be it enacted as follows :

LXIX. The Lord Chancellor shall from Time to Time appoint some Persons, being Merchants, Brokers, or Accountants, or Persons who are or have been engaged in Trade in the United Kingdom, or are otherwise conversant with Mercantile Affairs, and Accountants or Clerks who have been employed in the Offices of Official Assignees for not less than *Seven* Years previous to such Appointment, to fill any Vacancies which shall occur in the Office of Official Assignee ; and it shall be lawful for the Lord Chancellor to remove any Official Assignee.

LXX. The Official Assignees of the Court of Bankruptcy shall give such Security, and be subject to such Rules, and act in such Manner, as may, by any General Order to be made in pursuance of this Act, be from Time to Time directed : Provided, that in case such Security shall be by Bond, the same may be given to the Chief Registrar of the Court and his Successors, who are hereby authorized to sue thereon ; provided also, that it shall be lawful for the Security of any Guarantee Society established by Charter or Act of Parliament in any Part of Great Britain to be accepted as Security for any Official Assignee in lieu of any other Security.

Official  
Assignee  
to act as sole  
Assignee till  
Creditors  
Assignee  
chosen.

LXXI. One of such Official Assignees shall in all Cases be appointed by the Court of Bankruptcy an Assignee of each Bankrupt's Estate and Effects, and until a Creditors Assignee shall be chosen by the Creditors of the Bankrupt the Official Assignee shall, to all Intents and Purposes whatsoever, be deemed to be the sole Assignee of the Bankrupt's Estate and Effects.

Official As-  
signee may,  
when autho-  
rized by the  
Court, per-  
form any  
Duty of a  
Creditors  
Assignee.

LXXII. In case it shall appear to the Court of Bankruptcy to be for the Benefit of the Creditors of any Bankrupt's Estate that any Duty, Right, Power, or Authority by this Act devolved upon or given to the Creditors Assignee after his Appointment should, prior to the Appointment of such Creditors Assignee, be performed or exercised by the Official Assignee, it shall be lawful for the Court by Order to direct or authorize the Official Assignee to perform or exercise such Duty, Right, Power, or Authority, and he shall thereupon be bound or authorized to perform or exercise the same according to the Purport and Terms of such Order.

Official As-  
signee to  
take posses-  
sion of Bank-  
rupt's Estate.

LXXIII. It shall be the Duty of the Official Assignee to take possession of the Bankrupt's Estate, and to retain Possession thereof until the Appointment of a Creditors Assignee ; and the Official Assignee shall be allowed out of the Estate of the Bankrupt such reasonable Sum

Sum as shall have been expended by him in the Wages of the Person or Persons employed by him for the Purpose of taking and retaining the actual Possession and making an Inventory of the said Estate or any Part or Parts thereof, and all other necessary and proper  
5 Charges, Expenses, and Disbursements incident to the Performance of the said Duty.

LXXIV. No Official Assignee shall be personally responsible or liable for any Act done by him, or by his Order or Authority, in the Execution of his Duty as such Official Assignee, by reason of the  
10 Petitioning Creditor's Debt, Trading, or Act of Bankruptcy upon which any Adjudication of Bankruptcy or Order for the Distribution of the Estate and Effects of a deceased Debtor shall have been grounded, or of any or either of such Matters, being insufficient to support such Adjudication or Order.

Official Assignee not personally liable for Acts done in Execution of his Duty. 12 & 13 Vict. c. 106. s. 41.

15 LXXV. On the Death or Removal of any Official Assignee who shall have been appointed to act in any Bankruptcy the Court shall have Power to appoint another Official Assignee to act in such Bankruptcy.

Court may appoint another Official Assignee on Death, &c. 12 & 13 Vict. c. 106. s. 42.

LXXVI. Upon the Appointment of the Creditors Assignee, the  
20 Powers and Duties of the Official Assignee shall cease and determine, except as herein otherwise provided; and all the Estate, both Real and Personal, of the Bankrupt, shall be divested out of the Official Assignee, and vested in the Creditors Assignee, or shall, in case of the Appointment of the Official Assignee to be Creditors Assignee,  
25 continue vested in him as such Creditors Assignee.

Duties of Official Assignee to cease on Appointment of Creditors Assignee.

LXXVII. The Official Assignee, when not appointed to be the Creditors Assignee, shall render to the Creditors Assignee a full and particular Account, under his Hand, of the State of the Bankrupt's Estate, and of all Receipts, Payments, and other Transactions of such  
30 Official Assignee, and also a List of all the Creditors of the Bankrupt who have proved their Debts against the Estate, and of all Creditors who have authorized other Persons to vote for them at Meetings of Creditors, and whose Authorities have been approved, and shall transfer and hand over to the Creditors Assignee all the Money  
35 in the Hands of such Official Assignee belonging to the Bankrupt's Estate, and all Books, Papers, Writings, Securities, Muniments of Title, and Documents belonging to the Estate.

Official Assignee to render Account to the Creditors Assignee.

LXXVIII. The Creditors Assignee shall compare such Accounts with the Vouchers produced by the Official Assignee, and may call for  
40 such Information from the Official Assignee as the Creditors Assignee may reasonably require about the said Bankrupt's Estate, and shall

Creditors Assignee shall audit Accounts of Official Assignee.



audit the said Accounts, and give to the Official Assignee a Receipt for all Monies, Books, Papers, Writings, Securities, Muniments of Title, and Documents transferred and handed over by the Official Assignee to the Creditors Assignee.

Remune-  
ration.

LXXIX. The Official Assignees shall, in addition to the Salary 5 or yearly Sum herein-after provided, be entitled to receive, in respect of the Estates under Administration in the Court of Bankruptcy at *the Commencement of this Act*, and wound up by the Official Assignees under the Provisions hereof, such Remuneration as they would have been entitled to in respect of such Estates in case this present Act had not 10 passed: Provided that during such Time as any Official Assignee shall be entitled to receive in respect of an Estate under Administration in the Court at the Commencement of this Act, and wound up by such Official Assignee under the Provisions hereof, such Remuneration as 15 aforesaid, it shall be lawful for the Lord Chancellor by Order to declare that the Salary or yearly Sum payable to such Official Assignee shall be reduced by any Sum not exceeding the Amount of the Remuneration to which such Official Assignee shall be entitled in respect of the Estate or Estates so wound up by him as aforesaid.

Official  
Assignee  
may be  
Creditors  
Assignee,  
Trustee, or  
Inspector.

LXXX. Any of the Official Assignees may be chosen and ap- 20 pointed to be the Creditors Assignee of any Bankrupt's or Debtor's Estate, or to be a Trustee or Inspector under any Deed or Memorandum of Arrangement registered in any Court of Bankruptcy or County Court, and shall in such Case be entitled to receive the Remuneration payable to him as such Creditors Assignee, Trustee, or 25 Inspector, in addition to his Salary as Official Assignee.

*Of the  
Master.*

Duties.

And with respect to the Master, be it enacted as follows:

LXXXI. All Bills of Costs, Charges, Fees, and Disbursements in Matters of Bankruptcy and under this Act, before the Court of Appeal in Chancery sitting in Bankruptcy and the Court of Bank- 30 ruptcy in London, and all other taxable Bills in other Matters in which the Court of Bankruptcy in London may exercise Jurisdiction, and such taxable Bills as may be specially referred to the Master by any District Court, or any County Court, or shall be brought before him by way of Appeal from the Taxation of any Registrar, 35 shall be taxed by the Master.

Review of  
Master's  
Taxation.

LXXXII. The Master's Taxation and Settlement shall be subject, in the Case of Bills specially referred to the Master by any Court, or brought before him by way of Appeal from the Taxation of any Registrar, to the Review of such Court, and in all other Cases to 40 the Review of the Court of Bankruptcy in London.

LXXXIII. The

LXXXIII. The Place, Time, and Manner in which the Duties of the Master shall be conducted shall be such as shall be specified in any General Order to be made in pursuance of this Act; and all Sums and Fees received by the Master shall be paid by him into the  
 5 Receipt of Her Majesty's Exchequer, and be carried to the Account of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

Master to be subject to General Order.  
 12 & 13 Vict. c. 106. s. 37.

LXXXIV. All Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant, or any other  
 10 Person in any Matter of Bankruptcy or under this Act, shall be settled by the Registrars of the Court or the Master (as the Case may be), subject to such Review and Appeal as aforesaid; and the Amount of the Bills so settled, and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant, or  
 15 other Person.

Settlement of Bills of Auctioneers, Appraisers, Valuers, and Accountants.  
 12 & 13 Vict. c. 107. s. 76. See Commissioners Report, p. 37, and 5 & 6 Vict. c. 122. s. 83.

And with respect to the Messengers and Brokers, be it enacted as follows:

*Of the Messengers and Brokers.*

LXXXV. The Offices of Messenger and Broker shall be abolished, and the Duties, Acts, and Things now performed and done by the  
 20 Messengers and Brokers of the Court shall, from and after the *Commencement of this Act*, except as herein otherwise provided, be performed and done by the Official Assignees and Creditors Assignees and the Ushers or other Officers of the Court, in such Manner as shall be directed by any General Order to be made in pursuance of  
 25 this Act.

Their Offices abolished.

And with respect to the Ushers of the Court, be it enacted:

*Of the Ushers.*

LXXXVI. An Usher shall be appointed by each Commissioner to attend his Court, and shall perform all such Duties in respect of the same and the Business thereof as shall be directed by any General  
 30 Order to be made in pursuance of this Act.

To be appointed by Commissioner.

LXXXVII. The Ushers shall be removable by the Lord Chancellor, acting upon the Representation of the Commissioner to whose Court he is attached or otherwise.

Removable by Lord Chancellor.

LXXXVIII. Any Vacancy in the Office of Usher may be filled up  
 35 by the Commissioner to whose Court the Usher is attached.

Vacancies to be filled up by Commissioner.

And with respect to the Officers of the Court, be it enacted as follows:

*Of the Officers of the Court.*

LXXXIX. No Commissioner, Registrar, or other Officer of the Court of Bankruptcy shall, during his Continuance in such Office,  
 40 practise as a Barrister, or Attorney, or Solicitor.

Restriction as to Officers practising as Barristers or Attornies.

Tenure of  
Offices.  
1 & 2 W. 4.  
c. 56.

XC. The Commissioners, Registrars, and other Officers of the Court of Bankruptcy shall hold their respective Offices during good Behaviour, notwithstanding the Demise of Her Majesty, or any of Her Heirs or Successors.

Officersineligible to sit in Parliament.  
1 & 2 W. 4.  
c. 50. s. 60.

XCI. No Commissioner, Registrar, or other Officer of the Court of Bankruptcy shall, during his Continuance in such Office, be capable of being elected or of sitting as a Member of the House of Commons.

Officers, &c.  
exempt from  
serving on  
Juries, &c.  
12 & 13 Vict.  
c. 106. s. 47.

XCII. The Commissioners, Chief and other Registrars, the Master, the Official Assignees, and the Ushers, shall be exempt and disqualified from serving any Parochial Office, and from being returned and from serving on any Jury or Inquest, and shall not be inserted in any List of Men qualified or liable to serve as Jurors.

Power to  
Her Majesty  
to remove  
Officers.  
See Bank-  
ruptcy Act,  
1854, s. 3.

XCIII. It shall be lawful for Her Majesty, Her Heirs and Successors, to remove the Chief Registrar or any of the Registrars for the Time being of the said Court, or any other of the Officers of the said Court other than the Commissioners, upon a Certificate of the Lords Justices for the Time being of the Court of Appeal in Chancery, of some sufficient Reason to be named therein for such Removal: Provided that this Clause shall not in anywise lessen or abridge the Right of Her Majesty, Her Heirs and Successors, to remove any Commissioner or other Officer in the Absence of such Certificate of the Lords Justices.

Vacancies  
need not be  
filled up.  
See Bank-  
ruptcy Act,  
1854, s. 2.

XCIV. Upon any future Vacancy in the Office of Commissioner or Registrar (other than the Chief Registrar), or any other of the Offices in and about the Court of Bankruptcy, the Lord Chancellor may, if, having regard to the then State of the Business of the Court, he shall so think fit, by Order declare that such One or more of the Vacancies aforesaid as shall be mentioned in the Order shall not be filled up until further Order, and thereupon the same shall not be filled up accordingly unless and until the Lord Chancellor shall by Order declare that, having regard to the then State of Business of the Court, he is of opinion that any such Vacancy as aforesaid ought to be then filled up, and thereupon the same may be filled up as if such first-mentioned Order had not been made.

Appoint-  
ment of  
temporary  
Officers.  
Bankruptcy  
Act, 1854,  
s. 4.

XCv. If upon any Vacancy in the Office of Commissioner or Registrar, or in any other of the Offices in and about the Court of Bankruptcy, the Lord Chancellor shall by Order declare that in his Opinion it is necessary that some Person should then be appointed to act in such Office, but that it is not expedient that a permanent Appointment to such Office should be then made, a fit Person may be appointed



appointed to act in such Office, as the Case may require; and such Person shall have and exercise all and every the Jurisdiction, Rights, Powers, Authorities, and Privileges, and be subject to all the Duties, of such Office, during his Appointment thereto.

- 5 XCVI. Every Person appointed to act under the last preceding Section may receive from Time to Time such Sum or Sums by way of Remuneration for his Services in the Period during which he shall act in the Office to which he shall be so temporarily appointed, not exceeding in the whole the Amount to which he would have been entitled as Salary  
 10 for the same Period under a permanent Appointment to such Office, together with such further Sums (if any) for his necessary and proper Travelling Expenses as the Lord Chancellor may from Time to Time order, and such Sums shall be paid out of the same Fund and in the same Manner in all respects as if the Appointment of such Person had  
 15 been not a temporary but a permanent Appointment to such Office.

Their Re-  
muneration.  
Bankruptcy  
Act, 1854,  
s. 5.

- XCVII. It shall be lawful for the Lord Chancellor, upon the Requisition of the Chief Registrar and Master for that Purpose, to appoint One or more, not exceeding \_\_\_\_\_, Persons to be Clerks to the said Chief Registrar and Master, and to order such  
 20 yearly Salaries to be paid to them as to the Lord Chancellor shall seem fit.

Lord Chan-  
cellor may  
appoint  
Clerks.  
5 & 6 W. 4.  
c. 29. s. 11.

And with respect to the Payment of Salaries, Compensations, and Retiring Annuities, and of incidental Expenses, be it enacted as follows :

*Salaries.*

- 25 XCVIII. The Salaries of all Commissioners and other Officers of the Court of Bankruptcy to be hereafter appointed shall commence from the respective Times when they shall respectively be so appointed, and not from the Times of the Occurrence of the respective Vacancies which they may have been appointed to fill.
- 30 XCIX. The Salaries heretofore payable to the Accountant in Bankruptcy and the Commissioners of the Court for the Relief of Insolvent Debtors in England, and the other Officers of the said Court, and to any of the Clerks employed in the Offices of the said Officers, or any of them, shall be continued to be paid to and received by such Commissioners, Officers, and Clerks respectively, until they shall be  
 35 respectively released from their Offices under the Provisions of this Act, or discharged therefrom in consequence of the Abolition of such Offices.

Salaries to  
commence  
from Time  
of Appoint-  
ment.  
See Bank-  
ruptcy Act,  
1854, s. 10.

Salaries of  
Officers  
whose  
Offices are  
abolished by  
this Act.

- C. The Salaries payable to the Commissioners and other Offi-  
 40 cers of the Court of Bankruptcy shall be as follows: To each  
 [154.] C 3 of

Salaries of  
Officers.

See Report  
of Commis-  
sioners, 1854,  
p. 27.

7 & 8 Vict.  
c. 96. s. 49.

See 16 & 17  
Vict. c. 81.

of the Commissioners of the said Court acting in the London District the yearly Sum of *Two thousand Pounds*, and to each of the Commissioners of the said Court acting in the Country Districts the yearly Sum of *One thousand eight hundred Pounds*; to the Chief Registrar the yearly Sum of *One thousand two hundred Pounds*; to 5  
to each of the other Registrars of the Court acting as such in the London District the yearly Sum of *One thousand Pounds*, and to each of the Registrars acting as such in the Country Districts the yearly Sum of *Eight hundred Pounds*; to the Master the yearly Sum of *One thousand two hundred Pounds*; to each of the Official Assignees 10  
the yearly Sum of *Five hundred Pounds*; to the Registrar of Meetings the yearly Sum of *One hundred Pounds*; to each of the Ushers of the Court acting in the London District the yearly Sum of *One hundred Pounds* and to each of the Ushers acting in the Country Districts the yearly Sum of *Eighty Pounds*; to the Housekeeper of 15  
the Court of Bankruptcy in Basinghall Street the yearly Sum of *Fifty Pounds*; to the Clerk and Trainbearer of the Court of Appeal in Chancery the yearly Sum of *Twenty Pounds*; to each of the Ushers of the said Court of Appeal the yearly Sum of *Twenty Pounds*, and to each of the Assistant Ushers of the said Court of 20  
Appeal the yearly Sum of *Twenty Pounds*.

Salaries  
when pay-  
able.

CI. The said Salaries payable as aforesaid shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the Eleventh Day of January, the Eleventh Day of April, the Eleventh Day of July, and the Eleventh Day of 25  
October in every Year, by equal Portions, *out of the Consolidated Fund of the United Kingdom*, or such Funds as Parliament shall  
from Time to Time provide for the Purpose; and if any Person for the Time being holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of 30  
the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionate Part of his Salary as shall have accrued during the Time that such Person shall have  
executed his Office since the last Payment.

Insolvency  
Commis-  
sioners Sala-  
ries con-  
tinued by  
way of Re-  
tiring Pen-  
sion.

CII. Each of the Commissioners of the Court for the Relief of 35  
Insolvent Debtors to be so released as herein provided shall nevertheless continue entitled to receive during his Life, by way of Retiring Pension, the full Amount of his Salary as such Commis-  
sioner, payable *out of the same Fund*, on the same Days, and in the same Manner in all respects as if this present Act had not passed. 40

CIII. It

- CIII. It shall be lawful for the Accountant in Bankruptcy and the Provisional Assignee or any Registrar or other Officer of the Court for the Relief of Insolvent Debtors in England, and the Messengers of the Court of Bankruptcy, and every other Person whose Office, or the Emoluments thereof, shall be abolished or affected by the Operation of this Act, and the Clerks in the Offices of such Officers, or any of them, upon the Determination of such Office, or the Release or Discharge from such Office or Employment of such Officer or Clerk, under the Provisions of this Act, to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and the said Commissioners shall, by Examination on Oath or otherwise (which Oath each of them is empowered to administer), inquire whether any, and, if any, what, Compensation ought to be made to any such Claimant, regard being had to the Conditions on which the Appointment of any such Officer was made, and also to the Nature of the Appointment and the Duration of the Service; and the Commissioners shall be empowered to call for such Evidence in relation thereto as they may think necessary; and in every Case in which such Claim shall be established they shall be authorized and empowered to award to the Claimant, by Warrant under their Hands, free and clear of all Taxes and Deductions whatsoever, except the Tax on Income, such Compensation as, and at such Times as, under the Circumstances of each Case, shall seem to them just and reasonable, by way of Annuity, and to order the Payment thereof out of the Consolidated Fund, or such other Fund as may be provided by Parliament for the Purpose; and in case of the Death of any such Person his Executor or Administrator shall be entitled to receive the proportionate Part of such Compensation or Annuity which shall have accrued up to the Day of his Decease.

Compensation in respect of Offices abolished by this Act.

- CIV. Provided always, That every Commissioner of the Court for the Relief of Insolvent Debtors, whilst entitled to the Retiring Pension herein provided, shall at all Times when required undertake the Office of a Commissioner of the Court of Bankruptcy, and every other Person to whom any Annuity by way of Compensation shall be awarded, as herein provided, shall at all Times when required undertake any Office in or about the Court of Bankruptcy or any other public Office or Situation for which he may be eligible; and that if such Commissioner, Provisional Assignee, Registrar, or other Officer shall when required so to do decline to undertake such Office or Situation respectively and execute the Duties thereof satisfactorily, being in a competent State of Health, he shall forfeit his Right to the said Retiring Pension or Annuity by way of Compensation; and that upon his undertaking such Office or Situation respectively

Such Officers to fill Offices in Court if appointed thereto, or to forfeit Compensation.

See 4 & 5 W. 4. c. 24. s. 19.



the said Retiring Pension or Annuity by way of Compensation shall cease to be paid for any Period subsequent to such Appointment if the annual Amount of the Salary or Profits of the Office to which he shall be appointed shall be not less than those now received by him in respect of the Office so abolished or affected by this Act, and 5 in case they shall be less than those now received by him as aforesaid then no more of such Retiring Pension or Annuity by way of Compensation shall be paid to him than what with the Salary or Profits of his new Appointment shall be equal to the Salary or Profits now received by him. 10

Compensations and Annuities under former Acts continued.

7 & 8 Vict. c. 96. s. 70. See Commissioners Report, 1854, p. 25.

CV. The following Annuities, namely, the Annuity made payable to the Reverend Thomas Thurlow during his natural Life, and after his Decease to William Henry Scott during his natural Life, in case he shall survive the said Thomas Thurlow, under the Provisions of the Act of the Session of Parliament of the First 15 and Second Years of His late Majesty King William the Fourth, Chapter Fifty-six, the Annuities by the same Act made payable to the Persons then acting as Commissioners of Bankruptcy in London, and to the Lord Chancellor's Messenger, the Annuities by the Act of the Session of Parliament of the Fifth and Sixth 20 Years of the Reign of Her present Majesty, Chapter One hundred and twenty-two, made payable to the several Persons then acting as Commissioners of Bankruptcy in the Districts and Places therein mentioned, the retiring Annuities by the said Act made payable to the Commissioners, Accountant, Registrars, and Deputy Registrars 25 of the Court, and the Annuity by the Act of the Session of Parliament of the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Seventy-seven, made payable to Robert Brown during his Life, and also the Compensation by the said last-mentioned Act made payable to the Clerk of Inrolments, or such 30 of the said Annuities and Compensations as shall for the Time being be subsisting, shall be paid to the Persons entitled thereto out of the *Consolidated Fund of the United Kingdom*, or such other Fund as Parliament shall provide for the Purpose, and shall be paid and payable to such Persons during their natural Lives, free from 35 all Taxes except the Tax on Income, in such Manner and on such Days as the Lord Chancellor may have already ordered or may hereafter order; and in case of the Death of any such Person, his Executor or Administrator shall be entitled to receive the proportionate Part of such Annuity which shall have accrued up to the Day of 40 his Decease: Provided always, that if any Person entitled to any such Annuity or Compensation as last aforesaid be appointed to and accept any public Office or Employment of an annual Value less than the Amount of such Compensation or Annuity, such Person,

Person, during the Time he may continue in such Office or Employment, shall be entitled to receive only so much of his Compensation or Retiring Annuity as shall, together with the Salary of such new Office or Employment, be equal to such Compensation or Retiring  
5 Annuity; and that if any such Person shall be appointed to and accept any public Office or Employment the Salary whereof shall equal or exceed in Amount his Compensation or Retiring Annuity, then during the Time of his Continuance in such Office or Employment such Compensation or Retiring Annuity shall altogether  
10 cease.

CVI. It shall be lawful for the Lord Chancellor, by any Order or Orders to be by him from Time to Time made on a Petition to be presented to him for that Purpose, to order (if he shall think fit) an Annuity or clear yearly Sum of Money to be paid to any Commissioner, Registrar, or other Officers of the Court of Bankruptcy acting in London or in the Country, not exceeding *Two Thirds* of the yearly Salary which such Person shall be entitled to at the Time of presenting such Petition, to be paid out of *the Consolidated Fund of the United Kingdom*, or such Fund as Parliament shall from Time to Time provide for the Purpose, if and when such Person shall be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, and shall be desirous of resigning the same; and the Annuity or yearly Sum mentioned in such Order or Orders shall be paid, by equal quarterly Payments, on the Eleventh Day of January, the Eleventh Day of April, the Eleventh Day of July, and the Eleventh Day of October in every Year, to such Person, from the Period when he shall resign his said Office, for the Term of his Life, free from Taxes, except the Tax on Incomes.

30 CVII. A Sum not exceeding Pounds per Annum, out of the Consolidated Fund of the United Kingdom, or such Fund as Parliament shall provide for the Purpose, shall be subject to all such Orders as shall from Time to Time be made by the Lord Chancellor for Payments thereout in respect of the Salaries of  
35 any Clerks in the Offices of the Chief Registrar and Master, or for Stationery, Coals, and Candles for the Use of the Court, Rent and Repairs of the Buildings, incidental Expenses, and in respect of all Expenses incurred in carrying this Act into effect; and all Accounts for Stationery and other incidental Expenses of the Court or the  
40 Offices thereof shall be audited and allowed by One of the Commissioners of the Court before any Order for Payment shall be obtained.

Sum not exceeding *l.* per Annum to be subject to Orders of Lord Chancellor for incidental Expenses.  
20 & 21 Vict. c. 60. s. 84.

[154.]

D

And

*Of the winding up of Matters now depending in the Court.*

Official Assignees to continue to act as at present.

And with respect to the winding up of all Estates, Matters, and Things now under Administration and depending in the Court of Bankruptcy, be it enacted as follows :

CVIII. For the Purpose of winding up all Estates, Matters, and Things under Administration, or depending in the Court of Bankruptcy at the Time of *the Commencement of this Act*, the Official Assignees shall continue to act in the same Manner in all respects as regards such Estates, Matters, and Things as if this Act had not been passed, and shall for that Purpose have, exercise, and perform all the Powers, Rights, and Duties had, exercised, and performed by Official Assignees prior to the passing of this Act. 5 10

Transfer may be made from one Official Assignee to another.

CIX. The Lord Chancellor may, by Order, direct the Transfer of any such Estates, Matters, or Things as last aforesaid from any one of the Official Assignees to any other of them, and give such other Directions as may to the Lord Chancellor in that Behalf seem fit.

Accountant to act as at present.

CX. For the Purpose aforesaid, the Accountant in Bankruptcy shall continue to have, exercise, and perform in respect of all such Estates, Matters, and Things so under Administration, and depending in the Court as aforesaid, all the Powers, Rights, and Duties now had, exercised, and performed by him, until the Lord Chancellor shall, by Order, release him from the same. 15 20

Chief Registrar may be appointed to act as Accountant.

CXI. The Lord Chancellor may by Order direct that the Chief Registrar shall, from and after any Time to be specified in such Order, perform, in respect of such Estates, Matters, and Things as aforesaid, all the Duties, and have and exercise all the Rights, Powers, Authorities, and Privileges of the Accountant in Bankruptcy, and may transfer to the Office of the Chief Registrar such of the Clerks employed in the Office of the Accountant in Bankruptcy, and make such other Order and give such other Directions for the Purpose aforesaid as to the Lord Chancellor shall seem meet. 25

*Of the Insolvent Debtors Court.*

Court for Relief of Insolvent Debtors in England abolished.

And with respect to the Court for the Relief of Insolvent Debtors in England, be it enacted as follows :

CXII. From and after *the Commencement of this Act*, the Court for the Relief of Insolvent Debtors in England, and the Offices of the Commissioners, Provisional Assignee, and Registrars, and other Officers thereof, shall be abolished, and the Jurisdiction of the said Court, and also all Jurisdiction of the County Courts in the Relief of Insolvent Debtors, except under this Act, shall cease, but subject and without Prejudice to the Provisions herein contained as to the Execution by the present Commissioners, Provisional Assignee, Registrars, and other Officers of the said Court for the Relief of Insolvent Debtors, as such, 35 40 of



of the Duties herein in that Behalf specified; and until they are released under this Act they shall, for the Performance of such Duties, continue to have and exercise all and every the Jurisdiction, Rights, Powers, Authorities, and Privileges conferred upon them by any Act of Parliament, or otherwise vested in them, save and except in so far as the same are repealed or abrogated by this Act.

CXIII. No Vacancy which may hereafter occur in the Office of Commissioner, Provisional Assignee, Registrar, or other Officer of the said Court for the Relief of Insolvent Debtors shall be filled up.

Vacancies in Office of Commissioner, &c. not to be filled up.

CXIV. On the *First Day of Michaelmas* Term One thousand eight hundred and fifty-eight the Chief Commissioner and One of the Registrars of the said Court for the Relief of Insolvent Debtors shall be released from their Duties, and as often thereafter as in the Judgment of the Lord Chancellor, from the State of Business in the said Court, any other Commissioner or Registrar or other Officer can be spared, it shall be lawful for the Lord Chancellor to release any such Commissioner, Registrar, or other Officer, at such Time or Times as to him shall seem meet.

Release of Commissioners and Officers.

CXV. Every Commissioner or other Officer to be released by the Lord Chancellor as aforesaid shall have the Option of retiring from his Office tendered to him according to his Seniority in Office; and if any such Commissioner or other Officer shall, for *One Month* after such Option tendered to him, neglect or decline to accept such Offer, then the Lord Chancellor may tender the like Option to the next in succession in Seniority in Office, and so on from Time to Time until such Offer be accepted; but when the Lord Chancellor shall be of opinion that the Services of none of the said Commissioners or other Officers are any longer necessary for the winding up of the Business of the said Court, it shall be lawful for him to release every remaining Commissioner and Officer, and to make such Arrangement with respect to the Custody of the Records of such Court as to him shall seem fit.

Option to Commissioners, &c. to retire according to Seniority.

Power to Chancellor to release remaining Commissioners, &c.

CXVI. With respect to all Petitions, Matters, and Things under the Acts heretofore in force for the Relief of Insolvent Debtors or any of them which shall have been presented to or be depending in the Court for the Relief of Insolvent Debtors in England, or any County Court, by virtue of the said Acts or any of them, at the Time of the *Commencement of this Act*, the Provisions of such Acts, and the Jurisdiction of such Courts and of the Commissioners and Judges thereof, under such Acts, or under the Rules and Orders made in

Petitions now pending in Insolvent Debtors Court to be disposed of notwithstanding the passing of this Act. 10 & 11 Vict. c. 102. s. 9.

pursuance thereof, shall remain in full Force and Effect notwithstanding the passing of this Act:

Power to the Lord Chancellor to transfer Matters depending in Insolvent Debtors Court.

CXVII. For the Purpose of winding up as expeditiously and conveniently as may be all Petitions, Matters, and Things which shall have been presented to or be depending in the said Court for the Relief of Insolvent Debtors or any of the County Courts by virtue of any of the Acts for the Relief of Insolvent Debtors, at the Time of the *Commencement of this Act*, it shall be lawful for the Lord Chancellor by Order to direct the Transfer to any Commissioner of the said Court for the Relief of Insolvent Debtors, or to the Judge of any County Court, or to the London or any other District Court of Bankruptcy, any such Petition, Matter, or Thing so presented or depending as aforesaid, and the Commissioner, Judge, or Court to which Transfer is made shall have and exercise all the Jurisdiction, Rights, Powers, Authorities, and Privileges of the Commissioner or Court from which such Transfer was made, and shall act in such Petition, Matter, or Thing in the same Manner in all respects as if no such Transfer had been made, or as near thereto as may be.

Recognizances of Sureties entered into under 1 & 2 Vict. c. 110. for enforcing Attendance of Insolvents extended. 10 & 11 Vict. c. 102. s. 11.

CXVIII. Every Recognizance which may at the Time of the *Commencement of this Act* have been entered into by any Person as Surety to the Provisional Assignee of the Court for the Relief of Insolvent Debtors, with Condition that the Insolvent therein mentioned should duly appear at the Time and Place therein mentioned, shall extend to bind the Person who may have entered into the same, in case the Insolvent Debtor therein mentioned shall not at the Time appointed in such Recognizance duly appear before the Court to which the Petition or Matter of such Insolvent is transferred by any Order of the Lord Chancellor to be made in pursuance of this Act and on every adjourned Hearing, or shall not abide by the final Judgment of such Court.

Power of Insolvent Debtors Court to proceed summarily in winding up Matters depending.

CXIX. For the Purpose of winding up as expeditiously and conveniently as may be all Petitions, Matters, and Things which shall have been presented to or be depending in the said Court for the Relief of Insolvent Debtors, or any of the County Courts, by virtue of the Acts for the Relief of Insolvent Debtors, it shall be lawful for any Commissioner or Judge of such Courts respectively, at any Time after the passing of this Act, to summon, as he shall deem fit, all or any of the Parties to any Petition, Matter, or Thing so depending, or their Solicitors, and thereupon to proceed with such Petition, Matter, or Thing, and give such Directions and make such Orders as he may think necessary for the Purpose of settling and winding up the same, and to proceed for the Purposes aforesaid in the Absence of the Parties or Solicitors neglecting or refusing to attend the Summons.

CXX. The

CXX. The Court House of the said Court for the Relief of Insolvent Debtors situate in Portugal Street, Lincoln's Inn Fields, in the County of Middlesex, shall be sold, and the Proceeds arising therefrom shall be paid into the Bank of England to the Credit of the Commissioners  
5 for the Time being for the Reduction of the National Debt.

Court House to be sold.  
See 11 & 12 Vict. c. 77.

CXXI. The Lord Chancellor shall by Order give such Directions in and about the Sale of the said Court House, and appoint such Person to conduct the Sale thereof, as to his Lordship shall seem fit.

Lord Chancellor by Order to give Directions as to Sale.

CXXII. The Lord Chancellor may from Time to Time by Order  
10 direct that such Part as shall in such Order be mentioned or the whole of the Government Securities upon which any unclaimed Money produced by the Estates and Effects of Insolvent Debtors administered under the said Court for the Relief of such Debtors may be invested shall be transferred to the Credit of the Commis-  
15 soners for the Time being for the Reduction of the National Debt.

Unclaimed Money in the Insolvent Debtors Court may be transferred to the Credit of the Commissioners for the Reduction of the National Debt.

CXXIII. In case at any Time after the making of any such Transfer as last aforesaid the Residue for the Time being of the Government Securities last aforesaid shall be insufficient to pay such Sums as shall  
20 be rightfully claimed by Assignees or Creditors in respect of Monies produced by the Estates and Effects of Insolvent Debtors administered under the Court for the Relief of such Debtors, and brought into the said Court, it shall be lawful for the Commissioners of Her Majesty's Treasury to cause to be issued and paid out of any Monies  
25 which may be provided by Parliament to such Assignees or Creditors such Sums so claimed by them respectively as aforesaid.

See 1 & 2 Vict. c. 160. s. 118.

In case of Deficiency of Residue of unclaimed Money after such Transfers, Treasury may pay Assignees or Creditors rightly claiming any Sum. See 11 & 12 Vict. c. 77. s. 4.

And with respect to the Buildings in which Courts of Bankruptcy are held, be it enacted as follows :

*Of the Buildings for holding the Court.*

CXXIV. The Piece or Parcel of Ground in Basinghall Street in  
30 the City of London, and the Building called " The Court of Bankruptcy " which has been erected thereon, shall continue to be vested in the Commissioners of the Court for the Time being acting in London, in trust for the Purposes of this Act.

Court of Bankruptcy in Basinghall Street to vest in London Commissioners 12 & 13 Vict. c. 106. s. 60.

CXXV. Such Building shall continue to be called " The Court  
35 of Bankruptcy," and all Sitzings of the Court held in London in any Matter under this Act, and also all Meetings of Creditors held in London under any such Matter, and so held in pursuance of public Advertisement, shall be holden there, unless the Court shall in any Case otherwise direct.

Building to continue to be called " The Court of Bankruptcy." 12 & 13 Vict. c. 106. s. 61.



Such Build-  
ing to be  
under the  
Direction of  
London Com-  
missioners.  
12 & 13 Vict.  
c. 106. s. 62.

CXXXVI. The Commissioners acting as Trustees of the said Piece or Parcel of Ground and of the Building aforesaid, or the major Part of them, shall give and enforce such Order and Direction for the Occupation and Use of the several Offices or Rooms in the said Building, and for preserving and keeping the said Building and the Rooms and 5 Offices therein or appurtenant thereto in good Condition and Repair, and for insuring and keeping the same insured from Loss or Damage by Fire, as they shall from Time to Time think proper and advisable;

The Build-  
ings not to  
be occupied  
as a Resi-  
dence, except  
by a Regis-  
trar and  
House-  
keeper.  
1 & 2 G. 4.  
c. 115. s. 10.

CXXXVII. The said Building called the Court of Bankruptcy, or any Chamber or Room therein, or any Part thereof, shall not be used or 10 occupied as or converted to the Residence of any Person whomsoever, save only and except such Part of the said Building as the said Commissioners acting as Trustees, or the major Part of them, shall appropriate or direct to be used for the Residence and Occupation of the Registrar of Meetings and Housekeeper, but the said Building, 15 and every Chamber and Room therein, and every Part thereof, shall be used for the public Purpose by this Act directed in respect of the same, and for no other Use or Purpose whatsoever.

Buildings in  
which  
County  
Courts are  
held to vest  
in the Com-  
missioners  
of such  
Courts re-  
spectively.  
12 & 13 Vict.  
c. 106. s. 64.

CXXXVIII. The several Buildings which have been provided for the Court of Bankruptcy in the several Districts in the Country shall be 20 used for the Purposes of this Act, and such Buildings, and such as shall hereafter be provided for such Court in any District in the Country, with the Appurtenances and Effects belonging thereto, shall vest in the respective Commissioners acting in such several Districts for the Time being, in trust for the Purposes of this Act. 25

*Of Fees.*

And with respect to Fees, be it enacted as follows :

Certain  
Documents  
to be written  
on stamped  
Vellum, &c.,  
in lieu of  
Fees.  
12 & 13 Vict.  
c. 106. s. 48.

CXXXIX. Every Document enumerated in the Schedule C. to this Act annexed shall, from and after the Commencement of this Act, and in lieu of all Fees thereupon, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty set opposite to such 30 Documents respectively in such Schedule, and having the Word " Bankruptcy " impressed on every such Stamp : Provided always, that where any such Document shall consist of more than One Sheet only the First Sheet thereof shall be impressed with such Stamp.

Fees may be  
altered by  
General  
Order.  
See 17 & 19  
Vict. c. 119.

CXXX. The Fees by this Act made payable by Stamps, or any 35 of them, or other the Fees for the Time being payable in relation to any Proceedings under this Act, may from Time to Time be varied or abolished by any General Order to be made in pursuance of this Act, and other Fees, or Fees of an altered Amount, but not of an Amount higher than that by this Act prescribed, as far as regards any Fee or 40 Stamp Duty hereby expressly made payable in respect of any Docu-  
ment,

ment, may be fixed and imposed upon or in relation to such Proceedings as aforesaid, or any of them, by such Order, and the Provisions of this Act respecting Stamps are hereby extended and applied to and in the Case of such Stamps as may be required by any Order to be made 5 under this Act.

Commissioners of Inland Revenue to give the necessary Directions, and to receive and pay over the Proceeds. 12 & 13 Vict. c. 106. s. 49.

CXXXI. The Commissioners of Inland Revenue shall give the necessary Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall receive all Monies paid in respect of such Stamps.

10 CXXXII. It shall be lawful for the Commissioners of Inland Revenue to appoint such Persons as they may think fit for the Sale and Distribution of Stamps under this Act, and to allow to them such Discount or Poundage upon such Sale or Distribution, and to make such Regulation for the Allowance of such Stamps issued under 15 the Provisions of this Act as may have been spoiled or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, as to the said Commissioners shall seem fit.

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps. 12 & 13 Vict. c. 106. s. 50.

20 CXXXIII. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and 25 Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other 30 Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act. 12 & 13 Vict. c. 106. s. 51.

CXXXIV. No Document which by this Act is required to have 35 a Stamp impressed thereon shall be received or filed or be used in relation to any Proceeding in the Court, or be of any Validity for any Purpose whatever, unless or until the same shall have a Stamp impressed thereon: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp 40 impressed thereon has, through Mistake or Inadvertence, been received or filed or used without having such Stamp, it shall be lawful for the

Documents not to be received unless a Stamp be impressed. 12 & 13 Vict. c. 106. s. 52.

*Court, if it think fit, to order that such Stamp shall be impressed thereon; and thereupon, when a Stamp shall have been impressed on such Document in compliance with such Order, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon in the first instance:* 5  
*Provided also, that nothing herein contained shall affect the Provisions contained in the Twenty-seventh Section of the Act of the Session of Parliament of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Eighty-three, or the Provisions of "The Common Law Procedure Act, 1854."*

10

Charges for  
Office  
Copies.  
12 & 13 Vict.  
c. 106. s. 53.

CXXXV. All Office Copies of Petitions, Affidavits, Orders, or other Proceedings shall be charged for and paid at the Rate of *Three Halfpence* per Folio of Ninety Words, and shall be made and delivered out in such Manner as may be directed by any General Order to be made in pursuance of this Act.

15

Per-centage  
on Estates  
abolished.

CXXXVI. The Per-centage made payable by the Fifty-fourth Section of the Bankrupt Law Consolidation Act, 1849, shall be abolished.

*Of the Per-  
sons liable  
to become  
bankrupt.*

And with respect to Persons subject to the Provisions of this Act, be it enacted as follows:

All Debtors  
subject to  
this Act.

CXXXVII. All Debtors, whether Traders or not, are liable to be- 20  
come bankrupt, and are subject to all the Provisions of this Act, except as is herein otherwise provided.

Aliens and  
Denizens.

CXXXVIII. This Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

25

Members of  
Parliament.  
12 & 13 Vict.  
c. 106. s. 66.

CXXXIX. Any Person having Privilege of Parliament may become a Bankrupt and be subject to all the Provisions of this Act in like Manner as any other Person; but such Person having such Privilege shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by 30  
this Act.

Provisions  
of Act ex-  
tended to  
Married  
Women.  
1 & 2 Vict.  
c. 110. s. 101.

CXL. This Act shall extend to Married Women, both to make them subject thereto and to entitle them to the Benefits given thereby, so and in such Manner as that the Provisions of this Act shall operate upon and affect all Property, Real and Personal, to which a Married 35  
Woman may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustee or other Person for her Benefit, and upon all Personal Estate and Effects of which she shall have the  
actual



actual Possession, and upon all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever, in possession, remainder, or reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without  
 5 prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively; and all Provisions in this Act contained touching the Real and Personal Estate of any Bankrupt or Insolvent shall apply to such Real and Personal Estate and Effects respectively, in the same Manner as the same would apply to such  
 10 Real and Personal Estate and Effects if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein: Provided nevertheless, that the Discharge of any Married Woman by a Certificate or otherwise under this Act shall not operate to discharge her Husband from any Debt in respect of which his  
 15 Wife shall be so discharged, but such Debt, so far as the same shall remain unpaid or unsatisfied, shall be chargeable upon and in force against such Husband, as fully to all Intents and Purposes as if his Wife had not obtained such Discharge.

And with respect to Acts of Bankruptcy in general, be it enacted  
 20 as follows :

*Of Acts of Bankruptcy in general.*

CXLI. If any Debtor shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt  
 25 not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands,  
 30 Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, or shall wilfully waste or improvidently dispose of such Goods or Chattels, every such Debtor  
 35 doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Departing the Realm, absented, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer.  
 12 & 13 Vict. c. 106. s. 67.

CXLII. If any Debtor shall execute any Conveyance or Assign-  
 40 ment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Debtor, the Execution of such Deed shall not be deemed an Act of Bankruptcy unless a Petition for Adjudication of Bankruptcy be filed within *Three*

Conveyance of all a Debtor's Property not an Act of Bankruptcy, unless a

[154.]

E

Months

Petition for  
Adjudication  
be filed  
within Three  
Months.  
12 & 13 Vict.  
c. 106. s. 68.]

Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within *Fifteen* Days after the Execution thereof by the Debtor, and the Execution by the Debtor and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within *One Month* after the Execution thereof by such Debtor, in case such Debtor reside in London or within *Forty* Miles thereof, in the London Gazette, and also in Two London daily Newspapers, and in case such Debtor does not reside within *Forty* Miles of London, then in the London Gazette and in One London daily Newspaper and One Provincial Newspaper published near to such Debtor's Residence; and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor.

Lying in  
Prison, and  
escaping out  
of Prison.  
12 & 13 Vict.  
c. 106. s. 69.

CXLIII. If any Debtor, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for *Twenty-one* Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for *Twenty-one* Days after any Detainer for Debt lodged against him, and not discharged, every such Debtor shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Debtor, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Debtor shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

Filing a  
Declaration  
of Insol-  
vency.  
12 & 13 Vict.  
c. 106. s. 70.

CXLIV. If any Debtor shall file in the Court of Bankruptcy within the District whereof he shall then be residing a Declaration in Writing in the Form contained in Schedule D. to this Act annexed, signed by such Debtor, and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Debtor shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition for Adjudication of Bankruptcy shall be filed by or against such Debtor within *Two* Months from the filing of such Declaration.

Declaration  
to be filed  
with Regis-  
trars.

CXLV. The Declaration last aforesaid shall be filed, in the Case of the London District, in the Office of the Chief Registrar, and in the Case of the Country Districts with the respective Registrars thereof.

Bankruptcy  
Act, 1854,  
s. 16.

Copies to be

CXLVI. The several Registrars acting in the Country shall transmit by Post Copies of all Declarations of Insolvency filed with them, immedi-



immediately on the filing thereof respectively, to the Chief Registrar, who shall, immediately on the Receipt thereof respectively, cause the same to be entered in a proper Book to be kept by him for that Purpose.

sent to Chief Registrar.  
Bankruptcy Act, 1854, s. 18.

- 5 CXLVII. If any Debtor, after the filing of any Petition for Adjudication of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his
- 10 Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a
- 15 Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

Compounding with Petitioning Creditor.  
12 & 13 Vict. c. 106. s. 71.

Adjudication may either be annulled or declared valid.

- CXLVIII. If any Execution shall be levied, by Seizure and Sale of any of the Goods and Chattels of any Debtor, upon any Judgment
- 20 recovered in any Action Personal for the Recovery of any Debt or Money Demand in any Court of Record against any Debtor, every such Debtor shall be deemed to have committed an Act of Bankruptcy from the Time of the Seizure of such Goods and Chattels.

Debtor suffering Execution to be levied.

- 25 CXLIX. If any Plaintiff shall recover Judgment in any Action Personal for the Recovery of any Debt or Money Demand, in any Court of Record, against any Debtor, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Debtor shall not, within *Seven* Days after Notice in
- 30 Writing personally served upon such Debtor, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Debtor shall be deemed to have committed an Act of Bankruptcy on the *Eighth*
- 35 Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful, nevertheless, for such Plaintiff,
- 40 when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner aforesaid.

Debtor not paying, securing, or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution, within Seven Days after Notice requiring Payment.  
12 & 13 Vict. c. 106. s. 72.



Person disobeying Order of a Court of Equity for Payment of Money, after Service of peremptory Order for Payment on a certain Day.

12 & 13 Vict.  
c. 106. s. 73.

CL. If any Decree or Order shall be pronounced in any Cause or Proceeding depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy, against any Person, ordering such Person to pay any Sum of Money, and such Person shall disobey such Decree or Order, the same having been duly served 5 upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and 10 if such Person, against whom such Decree or Order shall have been pronounced or made, shall be served with such last-mentioned Order *Seven Days* before the Day therein appointed for Payment of such Monies, and shall neglect to pay the same, he shall be deemed to have committed an Act of Bankruptcy on the *Eighth Day* after the 15 Service of such Order; provided that such Service as last aforesaid shall be personal, except where the Court of Equity shall, upon an Application in that Behalf, have otherwise directed.

Filing Petition in Insolvent Debtors Court in India.

11 & 12 Vict.  
c. 21.  
12 & 13 Vict.  
c. 106. s. 75.

CLI. The filing of a Petition under the Act of the Session of Parliament of the Eleventh and Twelfth Years of the Reign of 20 Her present Majesty, Chapter Twenty-one, by any Debtor, and the Adjudication of an Act of Insolvency under that Act, shall, for the Purposes of this Act, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Debtor at the Time of filing such Petition, or of filing the Petition on which the Adju- 25 dication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Debtor whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act may, at any Time within *Two Months* after Notice of the Insolvency shall have been given in the London 30 Gazette, as directed by the said Act of the Session of Parliament of the Eleventh and Twelfth Years of the Reign of Her present Majesty, petition for Adjudication of Bankruptcy under this Act against such Debtor, under which Petition all such Proceedings may be had and taken as are authorized and directed by this Act, subject to such 35 Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf.

Filing Petition for Arrangement between a Debtor and his Creditors.

12 & 13 Vict.  
c. 106. s. 76.

CLII. The filing of a Petition by any Debtor for an Arrangement between such Debtor and his Creditors, under the Provisions of this Act with respect to Arrangements between Debtor and Creditor 40 under the Superintendence of the Court, shall be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Debtor at the Time of filing such Petition, provided a Petition

Petition for Adjudication of Bankruptcy shall be filed against him within *Two* Months after such Petition for Arrangement shall have been dismissed: Provided also, that no Adjudication shall be made on any such Act of Bankruptcy unless and until after such Petition for  
5 Arrangement shall have been dismissed.

CLIII. If any Creditor or Creditors of any Debtor having Privilege of Parliament, to an Amount herein-after declared, to be requisite to support a Petition for Adjudication of Bankruptcy, shall file an Affidavit in any Court of Record at Westminster that such Debt is justly  
10 due to him or them, and shall sue out of the same Court a Writ of Summons in the Form contained in Schedule E. to this Act annexed, against such Debtor, and serve him with a Copy of such Summons, if such Debtor shall not, within *Twenty-one* Days after personal  
15 Service of such Summons, pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum, and with Two sufficient Sureties, as any of the Judges of the Court out of which such Summons shall issue shall approve of, to pay such Sum as shall be recovered in such Action, together  
20 with such Costs as shall be given in the same, and within *Twenty-one* Days next after personal Service of such Summons cause an Appearance to be entered to such Action in the proper Court in which the same shall have been brought, every such Debtor shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

Debtor having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within *Twenty-one* Days.  
12 & 13 Vict. c. 106. s. 77.

CLIV. If any accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies.  
12 & 13 Vict. c. 106. s. 87.

CLV. No Person shall be liable to become bankrupt by reason of  
30 any Act of Bankruptcy committed more than *Twelve* Months prior to the filing of any Petition for Adjudication of Bankruptcy against him, and no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor, provided there be a sufficient Act of Bank-  
35 ruptcy subsequent to such Debt.

No Person liable upon an Act of Bankruptcy committed more than *Twelve* Months before filing Petition.

And with respect to the Proceedings before Adjudication of Bankruptcy, be it enacted as follows:

CLVI. Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the  
40 Form specified in the Schedule F. to this Act annexed, and the Truth thereof verified by the Affidavit of the Petitioner in the Form specified  
[154.] E 3 in

Of Procedure to obtain Adjudication.  
Proceedings in Bankruptcy to originate by

Petition to  
the Court of  
Bankruptcy.  
12 & 13 Vict.  
c. 106. s. 89.

in the Schedule G. to this Act annexed, and if presented by a Debtor, being in the Form specified in the Schedule H. to this Act annexed, and the Truth thereof verified by the Affidavit of such Debtor in the Form specified in the Schedule G. to this Act annexed); and every such Petition shall be filed of Record and prosecuted as directed by 5 this Act; and from and after the filing of such Petition the Court of Bankruptcy shall, by virtue of this Act, have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or 10 Customary hold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Estate, Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandise, and Debts, wheresoever they 15 may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Petition to  
be filed and  
prosecuted  
in the Court  
for the Dis-  
trict in  
which the  
Trader shall  
have resided  
or carried on  
Business for  
Six Months  
next before  
Petition, ex-  
cept upon  
Special  
Order.  
12 & 13 Vict.  
c. 106. s. 99.

CLVII. Every Petition for Adjudication of Bankruptcy against or by any Debtor shall be filed and prosecuted in the Court of Bankruptcy 20 within the District of which the petitioning Creditor shall be, or shall be residing or carrying on Business, or such Debtor shall be residing or carrying on Business, at the Time of filing such Petition, except where otherwise in this Act specially provided: Provided always, that the Senior Commissioner shall have Power, whenever he may deem it expe- 25 dient, to order any Petition against or by any Debtor to be prosecuted in any District, with or without Reference to the District in which the Debtor shall have been residing or carrying on Business, or to consolidate the Proceedings or any Part thereof under Two or more Petitions for Adjudication of Bankruptcy, or to impound any Petition 30 for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof, upon such Terms as the Senior Commissioner shall think fit, or to transfer any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, and the Prosecution or the further Prosecution thereof, from the Court in any one District to the Court 35 in any other District, and the Court to which any such Transfer shall be made may remove the Official Assignee, and appoint a new Official Assignee to any such Bankruptcy; and any such Order by the Senior Commissioner may be in such of the Forms contained in the Schedules I., J., or K. to this Act annexed as may be adapted 40 to the Case.

Amount of  
Petitioning  
Creditor's  
Debt.

CLVIII. The Amount of the Debt of any Creditor petitioning for Adjudication of Bankruptcy shall be as follows; that is to say, the single Debt of such Creditor, or of Two or more Persons being Partners



- Partners, so petitioning, shall amount to *Twenty Pounds* or upwards, and the Debt of Two Creditors so petitioning shall amount to *Thirty Pounds* or upwards, and the Debt of Three or more Creditors so petitioning shall amount to *Fifty Pounds* or upwards; and
- 5 every Person who has given Credit to any Debtor upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Debtor committed an Act of Bankruptcy, may so petition or join in petitioning, whether he shall have had any Security in Writing for such Sum or not.
- 10 CLIX. A Petition for Adjudication of Bankruptcy against any Debtor indebted in the Amount aforesaid to any Copartnership duly authorized to sue and be sued in the Name of a Public Officer of such Copartnership may be filed by such Public Officer as the nominal Petitioner for and on behalf of such Copartnership.
- 15 CLX. Any Debtor may petition for Adjudication of Bankruptcy against himself; and every Debtor who shall present such Petition whilst a Prisoner in any Prison or Gaol shall, by Writing, give Notice to the Keeper of such Gaol or Prison of his Intention so to do, and shall in his Petition state that such Notice has been given.
- 20 CLXI. Every Debtor so petitioning shall present to the Court of Bankruptcy, together with his Petition, or within Three Days after his Petition has been filed, a full, true, and accurate Statement of the Causes of his Inability to meet his Engagements with his Creditors, and of the Names and Residences of such Creditors, and
- 25 the Truth of such Statement shall be verified by the Affidavit of such Debtor, in the Form specified in the Schedule G. to this Act annexed.
- CLXII. Every Petition for Adjudication of Bankruptcy presented to the Court of Bankruptcy in London shall be filed in the Office of the
- 30 Chief Registrar, and such Chief Registrar shall immediately cause the same to be entered in a Book to be kept by him for that Purpose, to be called the General Docket Book (which Book shall be in the Form contained in Schedule L. to this Act annexed); and every such Petition shall be allotted, in such Manner as may by any General
- 35 Order made in pursuance of this Act be directed, to One of the Commissioners of the Court, and it shall be transmitted forthwith to the Registrar attending such Commissioner, who, when Adjudication shall have been made, shall deliver to the Chief Registrar a Duplicate of such Adjudication, in order that the same may be
- 40 minuted in the General Docket Book; and all Petitions presented to the Court in the Country Districts shall be filed with the respective Registrars thereof, who shall in like Manner enter the same in similar

12 & 13 Vict.  
c. 106. s. 91.

Such Debts  
may be pay-  
able at a  
future Time,  
although Se-  
curity given.

Petition for  
Adjudica-  
tion may be  
made by the  
Public  
Officer of  
certain Co-  
partnerships.  
12 & 13 Vict.  
c. 106. s. 92.

Debtor may  
petition for  
Adjudica-  
tion of Bank-  
ruptcy  
against him-  
self.  
12 & 13 Vict.  
c. 106. s. 93.  
1 & 2 Vict.  
c. 110. s. 25.

Where Peti-  
tions for  
Adjudica-  
tion are to be  
filed.  
Docket Book.  
Allotment of  
Petitions.  
12 & 13 Vict.  
c. 106. s. 94.

Docket Books (One of which shall be kept in each Court), and in Districts where there is more than One Commissioner One of such Commissioners or One of the Registrars shall allot the Petitions by Ballot, or in such Manner as the Commissioners of such District Court may from Time to Time direct.

5

Registrars  
to transmit  
Copies of  
Entries, Ad-  
judications,  
&c. to Chief  
Registrar.

12 & 13 Vict.  
c. 106. s. 95.

CLXIII. The Registrars acting in the Country shall transmit daily by Post to the Chief Registrar Copies of all Entries made by them in their Docket Books, and of all Adjudications made in the respective District Courts, and the Chief Registrar shall immediately on the Receipt thereof cause the same to be entered in the General Docket Book; and when any Petition in Prosecution in any of the Courts, or any Adjudication of Bankruptcy made therein, shall have been superseded, dismissed, or annulled, or when the Time allowed to any Petitioning Creditor for proceeding shall have been extended, the Registrar in attendance on the Commissioner making such Order shall forthwith transmit a certified Copy thereof to the Chief Registrar, who shall cause the same to be minuted in the General Docket Book.

If Adjudica-  
tion be not  
obtained  
within Three  
Days after  
Petition, any  
other Cre-  
ditor may  
proceed on it.  
12 & 13 Vict.  
c. 106. s. 96.

CLXIV. If the Petitioning Creditor in any Petition for Adjudication of Bankruptcy shall not proceed and obtain Adjudication within *Three* Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may at any Time within *Fourteen* Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such *Fourteen* Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to adjudicate upon such Petition, no further Proceeding shall be taken thereon.

Petitions  
may be pre-  
sented  
against One  
or more  
Partners in  
a Firm; and  
Petitions  
against Two  
or more Per-  
sons may be  
dismissed as  
to One or  
more, with-  
out affecting  
the rest.  
12 & 13 Vict.  
c. 106. s. 97.

CLXV. Any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid, although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

CLXVI. After

CLXVI. After a Petition for Adjudication of Bankruptcy filed against or by One or more Member or Members of a Firm, any Petition or Petitions for Adjudication of Bankruptcy against or by any other Member or Members of such Firm shall be filed and prosecuted in the Court in which the First Petition was prosecuted; and immediately after the Adjudication under such other Petition or Petitions all the Estate, Real and Personal, of such Bankrupt or Bankrupts shall vest in the Official Assignee or the Creditors Assignee (as the Case may be) under the First Petition; and thereafter all separate Proceedings under such Petition or Petitions shall be stayed; and such Petition or Petitions shall, without affecting the Validity of the First Petition, be annexed to and form Part of the same; provided that the Senior Commissioner may direct that such other Petition or Petitions shall be filed and prosecuted in any other Court, or be proceeded in either separately or in conjunction with the First Petition; and such Direction shall be made by a Memorandum to that Effect endorsed on such Petition or Petitions, and under the Hand of the Senior Commissioner.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be prosecuted in the Court in which the first was prosecuted, &c.  
12 & 13 Vict. c. 106. s. 98.

CLXVII. Whenever any Petition for Adjudication of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court of Bankruptcy that there is probable Cause for believing that such Person is about to quit England, or to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant, directed to such Person as the Court shall think fit, whereby such Person shall have Authority to arrest the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for Adjudication on such Petition, or until such Person shall be adjudged bankrupt under such Petition, and be thereon dealt with according to this Act: Provided always, that any Person arrested upon any such Warrant, or any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply, at any Time after such Arrest or Seizure, to the Court, for an Order or Rule on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels, should not be delivered up to him; and it shall be lawful for such Court to make absolute or discharge such Order or Rule.

In case Debtor against whom a Petition has been filed be about to quit England, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized.  
12 & 13 Vict. c. 106. s. 99.  
Debtor so arrested may apply to the Court for his Discharge forthwith.

CLXVIII. The Court of Bankruptcy, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving



dication  
summon  
Witnesses to  
prove Act  
of Bank-  
ruptcy.

12 & 13 Vict.  
c. 106. s. 100.

giving any Information concerning any Act of Bankruptcy committed by the Person against whom any Petition for Adjudication of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings, and other Documents, in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth, or Interrogatories in Writing, concerning such Act of Bankruptcy.

*Of Adjudi-  
cation, and  
Proceedings  
thereunder.*

Upon  
Debtor's  
Petition.

And with respect to the Adjudication of Bankruptcy, and the Proceedings for securing the Property and Surrender of the Bankrupt, be it enacted as follows:

CLXIX. The Court of Bankruptcy under a Petition filed by a Debtor shall, upon the Application of such Debtor, and upon Proof of the filing a Declaration of Insolvency and of such Statement as is herein-before mentioned in Section CLXI., adjudge such Debtor bankrupt.

Upon Cre-  
ditor's Peti-  
tion.

12 & 13 Vict.  
c. 106. s. 101.

CLXX. The Court of Bankruptcy under a Petition filed by a Creditor shall adjudge the Person against whom the Petition is filed bankrupt in any of the following Cases, namely:

12 & 13 Vict.  
c. 106. s. 101.

- (1.) In case the Petitioning Creditor shall prove his Debt, and the Act of Bankruptcy of the Person against whom such Petition is filed:
- (2.) If the Petitioning Creditor shall fail to proceed and obtain Adjudication within *Three Days* after his Petition shall have been filed, or within such extended Time as may have been allowed by the Court, then in case another Creditor shall apply for Adjudication upon such Petition, and shall prove his Debt and the Act of Bankruptcy of the Person against whom such Petition is filed:
- (3.) In case the Petitioning Creditor shall prove the Service upon the Person against whom the Petition is filed of the Summons to appear in that Behalf herein-after mentioned, and if such Person so summoned shall not come before the Court at the Time appointed, having no lawful Impediment proved to the Satisfaction of the Court and allowed:
- (4.) In case the Petitioning Creditor shall prove the Service upon the Person against whom the Petition is filed of the Summons to appear in that Behalf herein-after mentioned, and such Person so summoned shall, upon his Appearance to such Summons, or upon any Enlargement or Adjournment thereof, admit the Demand of such Petitioning Creditor upon which such Sum-

mons

mons was issued, and shall not pay, secure, or compound for such Demand to the Satisfaction of such Creditor :

(5.) In case the Petitioning Creditor shall prove the Service upon the Person against whom the Petition is filed of the Summons to appear in that Behalf herein-after mentioned, and such Person so summoned shall, upon his Appearance to such Summons, or upon any Enlargement or Adjournment thereof, refuse to admit the whole of the Demand of the Petitioning Creditor upon which such Summons was issued, and shall not do one or other of the Things following, (that is to say,) pay, secure, or compound for the whole of such Demand to the Satisfaction of such Creditor, or make a Deposition upon Oath in Writing under his Hand, in the Form contained in the Schedule M. to this Act annexed, that he believes he has a good Defence upon the Merits to the whole of such Demand, and, if required by the Court so to do, enter into a Bond, according to the Form contained in the Schedule N. to this Act annexed, and with Two such sufficient sureties as the Court shall approve of, to pay such Amount and Costs as shall be recovered in any Action brought for the Recovery of such Demand or any Part thereof, or to pay, secure, or compound as aforesaid for Part of such Demand, and as to the Residue thereof make such or the like Deposition, and, if thereto required by the Court, enter into such or the like Bond as last aforesaid :

(6.) In case the Petitioning Creditor shall prove the Service upon the Person against whom the Petition is filed of the Summons to appear in that Behalf herein-after mentioned, and such Person so summoned shall, upon his Appearance to such Summons, or upon any Enlargement or Adjournment thereof, admit Part of the Demand of the Petitioning Creditor upon which such Summons was issued, and shall not pay, secure, or compound for the Part of such Demand so admitted to the Satisfaction of such Creditor :

(7.) In case the Petitioning Creditor shall prove the Service upon the Person against whom the Petition is filed of the Summons to appear in that Behalf herein-after mentioned, and such Person so summoned shall, upon his Appearance to such Summons, or upon any Enlargement or Adjournment thereof, admit Part of the Demand of the Petitioning Creditor upon which such Summons was issued, and shall pay, secure, or compound for the Part of such Demand so admitted, but shall not do one or other of the Things following, that is to say, pay, secure, or compound for the whole of the unadmitted Part of

such Demand, to the Satisfaction of such Creditor, or make such or the like Deposition as to a good Defence, and, if thereto required by the Court, enter into such or the like Bond as aforesaid as to the whole of such unadmitted Part of the Demand, or so pay, secure, or compound as aforesaid for 5 Part of such unadmitted Part of the Demand, and as to the Residue thereof make such or the like Depositions, and, if thereto required by the Court, enter into such or the like Bond as last aforesaid.

Summons to  
be issued to  
Creditor.  
20 & 21 Vict.  
c. 60. s. 105.

CLXXI. The Summons to appear herein-before referred to may be 10 issued by the Court of Bankruptcy upon the Application of any Person to whom any other Person may be indebted to an Amount sufficient to support an Adjudication of Bankruptcy, and his filing in the Court of the District in which such Debtor shall be residing or carrying on Business an Affidavit in the Form specified in Schedule O. to 15 this Act annexed, of the Truth of his Debt, and of the Delivery to such Debtor personally, or to some Inmate, at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule P. to this 20 Act annexed; and such Summons shall be in the Form contained in Schedule Q. to this Act annexed, calling upon such Debtor to appear before the Court, and stating in such Summons the Purpose for which such Debtor is called upon to appear, and the Time appointed for such Appearance, and the Amount of such Demand. 25

Delivery of  
Account and  
Notice in  
case of Part-  
nership.  
20 & 21 Vict.  
c. 60. s. 106.

CLXXII. Provided always, That if the Demand of the Creditor appear by such Affidavit to be due from Two or more Persons as Partners, the Affidavit of the Delivery of such Account and Notice to any one of the Partners personally, or to some Inmate at his usual or last known Place of Abode or Business, and also at the Place 30 of Business of the Firm, shall be sufficient to authorize the Court of Bankruptcy to issue such Summons against any other of such Partners, as well as against the Partner so served with such Account and Notice.

Manner of  
proceeding  
upon the  
Appearance  
of the  
Debtor.  
20 & 21 Vict.  
c. 60. s. 107.

CLXXIII. If any such Debtor so summoned shall admit the 35 Demand of the Petitioning Creditor or any Part thereof, the Court of Bankruptcy may reduce such Admission into Writing in the Form contained in Schedule R. to this Act annexed; and such Admission so reduced into Writing shall be signed by such Debtor, and shall thereupon be filed in such Court. 40

CLXXIV. If



CLXXIV. If any such Debtor so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he make any Statement or not, it shall be deemed for the Purposes of this Act that every such Debtor thereby refuses to admit such Demand : Provided always, that it shall be lawful for the Court of Bankruptcy, upon reasonable Cause shown, to enlarge the Time for calling upon such Debtor to state whether or not he admits such Demand or any Part thereof, and for entering into such Bond, or for any of such Matters, for such Time as the Court shall think fit.

What shall be deemed a Refusal to admit Debt.  
20 & 21 Vict. c. 60. s. 111.

Court may enlarge Time for Admission, entering into Bond, &c.

CLXXV. An Admission of any Debt made after such Summons, and signed by any Debtor elsewhere than before the Court of Bankruptcy, may be filed in the Court, and shall be of the same Force and Effect as an Admission signed by such Debtor on his Appearance in Court; and such Admission may be in the Form contained in Schedule S. to this Act annexed; provided that there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Debtor, expressly named by him, and attending at his Request, to inform him of the Effect of such Admission, before the same is signed by such Debtor; and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Debtor, and state therein that he subscribes as such Attorney.

Admission of Debt signed elsewhere than in Court, if attested by Debtor's Attorney, to have the same Force as an Admission signed in Court.  
20 & 21 Vict. c. 60. s. 112.

CLXXVI. Forthwith after Adjudication the Court of Bankruptcy shall make an Order appointing an Official Assignee to act as herein provided in this Behalf.

Appointment of Official Assignee.  
12 & 13 Vict. c. 106. s. 102.

CLXXVII. If after Adjudication of Bankruptcy the Debt of the Petitioning Creditor be found by the Court of Bankruptcy to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor having proved any Debt sufficient to support an Adjudication, to order the Petition for Adjudication of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid, which Order may be in the Form contained in the Schedule T. to this Act annexed.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient.

CLXXVIII. Before Notice of any Adjudication of Bankruptcy on any Creditor's Petition shall be given in the London Gazette, a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed *Three Days*, or such extended Time, not exceeding *Seven Days* in the whole, as the Court of Bankruptcy shall think fit, from the

12 & 13 Vict. c. 106. s. 103. Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed *Three Days*, or such

extended  
Time, not  
exceeding  
Seven Days,  
as the Court  
shall think  
fit, to show  
Cause  
against Ad-  
judication.  
12 & 13 Vict.  
c. 106. s. 104.

Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are or is insufficient 5 to support such Adjudication, and upon such showing no other Creditor's Debt and Act of Bankruptcy sufficient to support such Adjudication, or such of the said last-mentioned Matters as shall be requisite to support such Adjudication, in lieu of the Petitioning Creditor's Debt and Act of Bankruptcy, or any or either of such 10 Matters, which shall be deemed insufficient in that Behalf, as the Case may be, shall be proved to the Satisfaction of the Court, the Court shall thereupon order (in the Form contained in Schedule U. to this Act annexed) such Adjudication to be annulled, and the same shall by such Order be annulled accordingly; but if at the Expira- 15 tion of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall, forthwith after the Expiration of such Time, cause Notice of such Adjudication to be given in the London Gazette: Provided always, that nothing herein contained shall be construed to prevent 20 the immediate Seizure of the Goods of the Bankrupt upon the Adjudication of Bankruptcy.

Bankrupt to  
surrender  
and conform.  
12 & 13 Vict.  
c. 106. s. 104.

CLXXIX. The Court of Bankruptcy shall, in every such Notice of Adjudication, and in every Notice of Adjudication on the Petition of any Debtor, appoint a public Sitting of such Court for the Bankrupt 25 to surrender and conform, which Sitting shall be on a Day not more than *Eight* Days from the Appearance of such Notice of Adjudication in the London Gazette: Provided always, that such Court, or the County Court in case the Bankruptcy shall be transferred to such last-mentioned Court, shall have Power from Time to Time to enlarge the 30 Time for the Bankrupt surrendering himself for such Time as the Court shall think fit, so as every such Order be made *Three* Days at least before the Day on which such Bankrupt was to surrender himself: Provided also, that if any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing 35 Cause, surrender himself, and give his Consent, testified in Writing under his Hand, to such Adjudication being advertised, the Court of Bankruptcy, after such Consent so given, shall forthwith cause the Notice of Adjudication to be advertised.

Adjudica-  
tion may,  
with Bank-  
rupt's Con-  
sent, be  
advertised  
before the  
Expiration  
of the Time  
allowed for  
showing  
Cause.

Bankrupt  
to deliver  
up his Books  
of Account

CLXXX. Forthwith after the Insertion of the Notice of 40 Adjudication in the Gazette, or, if the Bankrupt before the Expiration of the Time allowed for showing Cause against the Adjudication surrender himself and give Consent to such Insertion, forthwith



- forthwith after such Surrender, the Bankrupt shall (if thereto required by the Official Assignee) deliver up to the Official Assignee upon Oath before the Court, or any Registrar thereof, or any Judge or Registrar of a County Court, all Books of Account, Papers, 5 and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody or Power of any other Person; and every Bankrupt, not in Prison or Custody, shall at all Times after such Surrender attend the Assignee, upon every reasonable Notice in Writing for that Purpose given by them to him or left at his usual 10 or last known Place of Abode, and shall assist such Assignee in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may at all reasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence 15 of the Assignee, or any Person appointed by him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignee to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any 20 Court to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance, whether before or after the Bankrupt shall have obtained his Certificate, he shall be paid out of his Estate his reasonable Expenses, if any incurred, in giving such Attendance, together with such Sum 25 per Day as shall be directed by the Court.

to the Official Assignee upon Oath; 12 & 13 Vict. c. 106. s. 105.

to attend Assignee;

to be at liberty to inspect Books, &c.;

after Allowance of Certificate, to attend Assignee in settling Accounts.

Allowance for Attendance.

- CLXXXI. In all Cases where it shall be made to appear to the Satisfaction of the Court that there is Reason to suspect and believe that any Property of any Bankrupt is concealed in any House or other Place not belonging to such Bankrupt, the Court may grant a Search 30 Warrant to some Person appointed by the Court, and it shall be lawful for such Person to execute such Warrant according to the Tenor thereof; and such Person shall be entitled to the same Protection as is allowed by Law in Execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search 35 Warrant shall be in the Form contained in Schedule V. to this Act annexed.

Search Warrants may be granted. 12 & 13 Vict. c. 106. s. 106.

- CLXXXII. No Action shall be brought against any Person appointed by the Court for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant 40 hath been made or left at the usual Place of Abode of such Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing, signed by the Party demanding the same, and unless the same hath been refused or neglected for Six Days after

No Action to be brought against Persons acting in obedience to Warrant of the Court. 12 & 13 Vict. c. 106. s. 107.



such Demand; and if after such Demand, and Compliance therewith; any Action be brought against such Person so appointed, without making the Petitioning Creditor Defendant, if living, the Jury, at the Trial of such Action, on the Production and Proof of such Warrant, shall give their Verdict for the Defendant, notwithstanding any 5 Defect of Jurisdiction in the Court by which such Warrant shall have been granted; and if such Action be brought against the Petitioning Creditor and the Person so appointed, the Jury shall, on Proof of such Warrant, give their Verdict for such Person so appointed, notwithstanding any such Defect of Jurisdiction; and if the 10 Verdict shall be given against the Petitioning Creditor the Plaintiff shall recover his Costs against him, to be taxed so as to include such Costs as the Plaintiff is liable to pay to the Person so appointed as aforesaid.

Proof in such Actions that Defendant is Petitioning Creditor sufficient to render him liable.

12 & 13 Vict. c. 106. s. 108.

CLXXXIII. In any Action brought against the Petitioning Creditor, either alone or jointly with any Person so appointed by the Court, for anything done in obedience to the Warrant of the Court, Proof by the Plaintiff in such Action that the Defendant or Defendants, or any of them, is or are Petitioning Creditor or Creditors, shall be sufficient for the Purpose of making such Defendant or Defendants 20 liable, in the same Manner and to the same Extent as if the Act complained of in such Action had been done or committed by such Defendant or Defendants.

Person acting under Warrant may break open the Bankrupt's Doors, &c., and seize upon his Body or Property.

12 & 13 Vict. c. 106. s. 109.

CLXXXIV. It shall be lawful for any Person and his Assistants acting under Warrant of the Court to break open any House, Chamber, 25 Shop, Warehouse, Door, Trunk, Chest, or other Place of or belonging to any Bankrupt, where such Bankrupt or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt; and if the Bankrupt be in Prison or in Custody, it shall be lawful for such Person and his Assistants to seize any Property of 30 the Bankrupt (save the Articles excepted by this Act and his necessary Wearing Apparel) in the Custody or Possession of such Bankrupt or of any other Person, in any Prison or Place where such Bankrupt is in Custody.

Execution of Warrant in Ireland. 12 & 13 Vict. c. 106. s. 110.

CLXXXV. It shall be lawful for any Person and his Assistants 35 acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, Chest, or other Place of or belonging to any Bankrupt in Ireland where any of his Property shall be reputed to be, and to seize the same; provided such Warrant shall have been verified upon Oath before and backed or endorsed by the 40 Mayor or Chief Magistrate of the City, Borough, or Town Corporate where or near to which the same is executed; and provided also, that such Person shall, before a Justice of the Peace residing in the County where

where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant.

- CLXXXVI. If in the Execution of any such Warrant of Seizure granted by the Court it shall be necessary to break open any House,  
 5 Chamber, Shop, Warehouse, Door, Trunk, Chest, or other Place of or belonging to any Bankrupt in Scotland where any of the Property of such Bankrupt shall be reputed to be, or to seize and get Possession of such Property, such Warrant, after having been verified upon Oath, may be backed or endorsed by any Judge Ordinary or Justice of the  
 10 Peace in Scotland, who are hereby required, within their respective Jurisdictions, to back or endorse the same; and such Warrant so endorsed shall be sufficient Authority to the Person or his Assistant bringing such Warrant, and to all Officers of the Law in Scotland, to execute the same within the County or Burgh wherein it is so  
 15 endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, Chest, or other Place of or belonging to such Bankrupt where any Property of such Bankrupt shall be reputed to be, and to seize and take possession of such Property, to be distributed under the Bankruptcy, or otherwise dealt with  
 20 according to Law.

Execution of  
Warrant in  
Scotland.  
12 & 13 Vict.  
c. 106. s. 111.

- CLXXXVII. If the Bankrupt be not in Prison or Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for such  
 25 further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed as the Court shall from Time to Time, by Endorsement upon the Summons of such Bankrupt, think fit to appoint; and whenever any Bankrupt is in Prison or in Custody under any Process, Attachment,  
 30 Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate and Effects, if the same shall be  
 35 sufficient, and if not, then such Expense shall be paid by the Treasurer of the County or County of a City or Town in which such Bankrupt shall be imprisoned, as the same shall be directed or ordered by the Court before which such Bankrupt shall be so brought up, and the Person in whose Custody such Bankrupt was confined shall be indem-  
 40 nified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged bankrupt, and has surrendered and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection,

If Bankrupt  
be not in  
Prison or  
Custody, to  
be free from  
Arrest in  
coming to  
surrender,  
&c., and if in  
Prison, may  
be brought  
up by War-  
rant to be  
examined or  
to surrender,  
&c., and if  
in Prison for  
Debt the  
Court may,  
except in  
certain  
Cases, order  
his Release  
absolutely or  
condition-  
ally.  
12 & 13 Vict.  
c. 106. s. 112.  
and 1 & 2  
Vict. c. 110.  
s. 109.



the Court may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which the Bankrupt is in Prison or 5 in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt 10 contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, or by reason of any Decree or 15 Order made on any Petition under the Act of the Session of Parliament of the Twentieth and Twenty-first Years of Her present Majesty, Chapter Eighty-five, claiming Damages from the Bankrupt on the Ground of his having committed Adultery: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit 20 the Bankrupt may be in Prison or in Custody against the Bankrupt, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court.

If arrested,  
to be dis-  
charged on  
producing  
Protection.  
12 & 13 Vict.  
c. 106. s. 113.

CLXXXVIII. If any Bankrupt shall be arrested for Debt or on any Escape Warrant in coming to surrender, or shall after his Surrender and 25 while protected by Order of the Court be so arrested, he shall, on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for 30 obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of *Five Pounds* for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record, in the Name of such Bankrupt, with full Costs of Suit. 35

Petitioning  
Creditor to  
proceed at  
his own  
Costs, until  
Choice of  
Assignee.  
12 & 13 Vict.  
c. 106. s. 114.

CLXXXIX. The Petitioning Creditor shall at his own Costs file and prosecute his Petition, until the Choice of an Assignee by the Creditors; and the Court shall, upon or immediately after such Choice, make Order for the Payment thereof out of the Estate of the Bankrupt, in course of Priority to be settled by any General Order to be made 40 in pursuance of this Act.



CXC. No Petition for Adjudication of Bankruptcy shall be dismissed, nor any Adjudication reversed, by reason only that the Petition or Adjudication, or Act of Bankruptcy, has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

No Petition to be superseded, &c. by reason only of Concert.

12 & 13 Vict. c. 106. s. 115.

CXCI. If any Bankrupt shall die after Adjudication, the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Court may proceed notwithstanding Death of Bankrupt.

12 & 13 Vict. c. 106. s. 116.

CXCII. The Court may summon any Bankrupt before it, whether such Bankrupt shall have obtained his Certificate or not; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court, by Warrant, to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court; and upon the Appearance of such Bankrupt, or if such Bankrupt be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt after he shall have made and signed the Declaration contained in the Schedule W. to this Act annexed, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt shall sign and subscribe.

Court may summon and examine Bankrupt.

12 & 13 Vict. c. 106. s. 117.

CXCIII. It shall be lawful for the Court to summon before it the Wife of any Bankrupt, and to examine her, after she shall have made and signed the Declaration contained in Schedule W. to this Act annexed, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt, concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the Satisfaction of the Court, as herein provided.

Court may summon and examine the Bankrupt's Wife.

12 & 13 Vict. c. 106. s. 118.

CXCIV. If in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the Way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit England, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it

If Bankrupt be keeping out of the Way, or be about to quit England, &c., Court may issue Warrant.

12 & 13 Vict. c. 106. s. 119.

[154.]

G 2

shall

shall be lawful for such Court, by Warrant, to authorize and direct any Person or Persons it shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court, to be examined in like Manner as if he appeared upon a Summons.

Court em-  
powered to  
summon  
Persons sus-  
pected of  
having  
Bankrupt's  
Property, &c.  
12 & 13 Vict.  
c. 106. s. 120.

CXCV. After Adjudication it shall be lawful for the Court to 5  
summon before it any Person known or suspected to have any of the  
Estate of the Bankrupt in his Possession, or who is supposed to be in-  
debted to the Bankrupt, or any Person the Court may believe capable  
of giving Information concerning the Person, Trade, Dealings, Estate,  
or pecuniary Affairs of the Bankrupt, or concerning any Act of Bank- 10  
ruptcy committed by him, or any Information material to the full  
Disclosure of his Dealings or pecuniary Affairs; and the Court may  
require such Person to produce any Books, Papers, Deeds, Writings, or  
other Documents in his Custody or Power which may appear to the  
Court necessary to the Verification of the Deposition of such 15  
Person, or to the full Disclosure of any of the Matters which the  
Court is authorized to inquire into; and if such Person so sum-  
moned as aforesaid shall not come before the Court at the Time  
appointed, having no lawful Impediment (made known to the Court  
at the Time of its Sitting, and allowed by it), it shall be lawful for 20  
the Court, by Warrant, to authorize and direct the Person or Persons  
therein named for that Purpose to apprehend and arrest such Person,  
and bring him before the Court for Examination.

Service of  
Summons  
where Per-  
son keeps  
out of the  
Way.  
12 & 13 Vict.  
c. 106. s. 121.

CXCVI. Where it shall be shown by Affidavit to the Satisfaction  
of the Court that any Person to whom any such Summons is directed 25  
as aforesaid is keeping out of the Way, and cannot be personally  
served therewith, and that due Pains have been taken to effect such  
personal Service, it shall be lawful for the Court to order by Endorse-  
ment upon the Summons that the Delivery of a Copy of such  
Summons to the Wife or Servant or some Inmate of the House 30  
or Family of the Person at his usual or last known Place of Abode  
or Business, and explaining the Purport thereof to such Wife, Servant,  
or Inmate, shall be equivalent to personal Service, and in every such  
Case the Service of such Summons in pursuance of such Order shall  
be and be deemed and taken to be of the same Force and Effect, to 35  
all Intents and Purposes, as if the Party to whom such Summons was  
directed had been personally served therewith.

Power to  
examine  
Persons  
summoned or  
present at  
any Sitting.  
12 & 13 Vict.  
c. 106. s. 122.

CXCVII. Upon the Appearance of any Person summoned or  
brought before the Court upon any Warrant as aforesaid, or if any  
Person be present at any Sitting of the Court, it shall be lawful for 40  
the Court to examine every such Person upon Oath, either by Word of  
Mouth or by Interrogatories in Writing, concerning the Person, Trade,  
Dealings,



Dealings, Estate, or pecuniary Affairs of any Bankrupt, or concerning any Act or Acts of Bankruptcy by any Bankrupt committed, and to reduce into Writing the Answers of every such Person, and such Answers so reduced into Writing such Person examined is hereby  
5 required to sign and subscribe.

- CXCVIII. If any such Person examined as last aforesaid shall, in and by his Examination, signed and subscribed as aforesaid, and also in and by a separate Writing in the Form contained in the Schedule X. to this Act annexed, admit that he is indebted to the Bankrupt in any
- 10 Sum of Money upon the Balance of Accounts, it shall be lawful for the Court, if it think fit, to order (in the Form contained in Schedule Y. to this Act annexed) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted, in full Discharge thereof, to the Official
- 15 Assignee or the Creditors Assignee (as the Case may be), together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs, or the Court may, if it think fit, in the said Form contained in Schedule Y. to this Act annexed, order the Costs of the Person summoned to be paid out of the Estate of the
- 20 Bankrupt; and every such Order shall have the Effect of a Judgment in Her Majesty's Superior Courts of Common Law, and may be enforced accordingly: Provided always, that no such Order shall be made unless there be present some Attorney of One of the Superior Courts on behalf of the Person making such Admission,
- 25 expressly named by him, or, upon his Refusal to name such Attorney, named by the Court to act upon his Behalf, to inform him of the Effect of such Admission, before the same is signed and subscribed as aforesaid, and that such Attorney do sign his Name as a Witness to such Admission, in the Form contained in the Schedule Y. to this
- 30 Act annexed: Provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made: Provided also, that no such Order shall affect any Lands,
- 35 Tenements, or Hereditaments, as to Purchasers, Mortgagees, or Creditors, unless and until it shall be registered, and, if necessary, re-registered in like Manner as, in order to bind such Purchasers, Mortgagees, or Creditors, it must have been if it had originally been a Judgment or Rule obtained or entered up in One of the Superior
- 40 Courts of Common Law, or the Court of Common Pleas of the County Palatine of Lancaster, or the Court of Pleas of the County Palatine of Durham respectively, any Notice of any such Order to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

In a Case of Debts admitted to be due to Bankrupt's Estate, Court may order Payment.

12 & 13 Vict. c. 106. s. 123.

Such Order to have Effect of Judgment. Presence of Attorney on behalf of Party making the Admission.

Proviso for Registration. 18 & 19 Vict. c. 15. s. 10.



Court may order Letters addressed to Bankrupt to be re-directed or delivered to Assignee. 12 & 13 Vict. c. 106. s. 124.

CXCIX. The Court may order that for a Period of *Three Months* from the Date of any such Order all Post Letters directed or addressed to any Bankrupt at the Place of which he shall be described in the Petition for Adjudication of Bankruptcy, or such other Place or Places as shall be in that Behalf mentioned in the said Order, shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Official or Creditors Assignee or other Person named in such Order; and upon Notice, by Transmission of a Duplicate of any such Order to the Postmaster General or the Officers acting under him, by the Official or Creditors Assignee or other Person named in such Order, of the making of such Order, it shall be lawful for the Postmaster General or such Officers as aforesaid, in England, Scotland, or Ireland, to re-address, re-direct, send, or deliver all such Post Letters to the Official or Creditors Assignee or other Person named in such Order accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for a like or for any other less Period as often as may be necessary.

*Consequences of Adjudication in certain Cases.*

Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property. 12 & 13 Vict. c. 106. s. 125. Proviso for Assignment of Vessels.

And with respect to the Power of the Court over certain Descriptions of Property, be it enacted as follows: 20

CC. If any Bankrupt at the Time he becomes bankrupt shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy: Provided that nothing herein contained shall invalidate or affect any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of the Laws for the Time being in force for the registering of British Vessels. 25 30

Power of Court over certain Conveyances, &c. made by Bankrupt. 12 & 13 Vict. c. 106. s. 126.

CCI. If any Bankrupt, being at the Time insolvent, shall (except upon the Marriage of any of his Children, or for some valuable Consideration,) have conveyed, assigned, or transferred to any of his Children, or to any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy; and every such Sale shall be valid against the Bankrupt, 35 40

Bankrupt, and such Children and Persons, and against all Persons claiming under him.

- CCII. If any Real or Personal Estate or Debts of any Bankrupt be extended, after he shall have become bankrupt, by any Person, under  
 5 Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt; and if such Contract was originally made with any other Person than the said Debtor or  
 10 Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold, for the Benefit of the Creditors under the Bankruptcy, and such Sale shall be valid against the said Extent, and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall  
 15 be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Court may proceed when the Bankrupt by Fraud makes himself accountable to the Crown. 12 & 13 Vict. c. 106. s. 127.

- CCIII. If any Bankrupt shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in  
 20 England, Scotland, or Ireland, standing in his Name in his own Right, it shall be lawful for the Court, by Writing, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Official or Creditors Assignee, and to pay all Dividends upon the same to the Official or Creditors Assignee; and all such  
 25 Persons whose Act or Consent is so necessary are hereby indemnified for all Things done or permitted pursuant to such Order.

Where Bankrupt beneficially entitled to Stock, Court may make Order for Transfer. 12 & 13 Vict. c. 106. s. 128.

- CCIV. No Distress for Rent made and levied after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the filing of the Petition for the Adjudication of Bankruptcy,  
 30 shall be available for more than Six Months Rent accrued prior to the Day of the filing of such Petition, but the Landlord or Person to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Distress not to be available for more than Six Months Rent due; the Landlord to prove for the Residue. Commissioners Report, p. 37. 12 & 13 Vict. c. 106. s. 129.

- CCV. If any Bankrupt shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Govern-  
 35 ment Stock, Funds, or Annuities, or any of the Stock of any public Company, either in England, Scotland, or Ireland, it shall be lawful for the Lord Chancellor, on the Petition of any Person beneficially  
 40 interested

Where Bankrupt is a Trustee, the Lord Chancellor may order Conveyance or Assignment to another Trustee. 12 & 13 Vict. c. 106. s. 130.



interested in or entitled to the Receipt of the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Official or Creditors Assignee and all Persons whose Act or Consent thereto is necessary to convey, assign, or transfer the said Estate, Interest, Stock, 5 Funds, or Annuities, to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues, and Profits, Dividends, 10 Interest, or Produce thereof, as the Lord Chancellor shall direct.

Titles to Property sold not to be impeached, unless Proceedings taken to annul and duly prosecuted.  
12 & 13 Vict. c. 106. s. 131.

CCVI. No Title to any Real or Personal Estate sold under any Bankruptcy shall be impeached by the Bankrupt, or any Person claiming under him, in respect of any Defect in the Petition for Adjudication, or in any of the Proceedings under the same, unless 15 the Bankrupt shall within the Time allowed by this Act have commenced Proceedings to dispute, dismiss, or annul the Petition or Adjudication, and duly prosecuted the same.

The Court, after Adjudication, may order any Treasurer, &c. or Agent of the Bankrupt, to deliver all Monies, &c.  
12 & 13 Vict. c. 106. s. 132.

CCVII. After the Adjudication of Bankruptcy in any Case shall have been advertised in the London Gazette, it shall be lawful for 20 the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt, to pay and deliver over to the Official or Creditors Assignee all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as 25 against the Bankrupt or his Assignee.

Goods under Attachment to be delivered up.  
20 & 21 Vict. c. 60. s. 325.

CCVIII. All Goods and Chattels of any Bankrupt which shall at the filing of the Petition be under Seizure by virtue of any Attachment shall, upon Demand, be delivered up by all Persons having the Custody of same to the Official or Creditors Assignee, and the Court 30 may make Order accordingly.

*Of Transactions not affected by Bankruptcy.*

And with respect to Transactions with the Bankrupt, and Executions against his Property, up to the Time of the Bankruptcy, or within a limited Time previously thereto, be it enacted as follows: 35

Payments, Conveyances, Contracts, &c., Executions, Sequestrations, &c. against Lands, Bene-

CCIX. All Payments really and bonâ fide made by any Bankrupt, or by any Person on his Behalf, before the filing of a Petition for Adjudication of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and bonâ fide made to any Bankrupt before the filing of such Petition, and all Conveyances by any Bankrupt bonâ fide made and executed before the filing of such Petition, and all 40

Contracts,



Contracts, Dealings, and Transactions by and with any Bankrupt really and bonâ fide made and entered into before the filing of such Petition, and all Executions, Sequestrations, and Attachments against the Lands and Tenements or Benefice of any Bankrupt bonâ fide  
 5 executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt bonâ fide executed and levied by Seizure and Sale before the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person so dealing with  
 10 or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution, Sequestration, or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution, Sequestration, or Attachment, or at the Time  
 15 of making any Sale thereunder, Notice of any prior Act of Bankruptcy by him committed: Provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment or to any Delivery or Transfer of any Goods or Chattels made by any Bankrupt, being a fraudulent Preference of any Creditor of such Bankrupt,  
 20 or to any Conveyance or Equitable Mortgage made or given by any Bankrupt by way of fraudulent Preference of any Creditor of such Bankrupt, or to any Execution or Sequestration founded on a Judgment on a Warrant of Attorney or Cognovit Actionem or Judge's Order obtained by Consent given by any Bankrupt by way of fraudulent Preference: Provided also, that nothing herein contained shall  
 25 in anywise affect the Provisions of an Act of the Session of Parliament of the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, Chapter Thirty-six.

fices, and against Goods, to be valid if no Notice of prior Act of Bankruptcy. 12 & 13 Vict. c. 106. s. 106.

But nothing herein to give Validity to fraudulent Preferences.

17 & 18 Vict. c. 36.

CCX. No Purchase from any Bankrupt bonâ fide and for  
 30 valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Petition for Adjudication of Bankruptcy shall have been filed within *Twelve* Months after such Act of Bankruptcy.

Bonâ fide Purchases not to be impeached by Notice of Act of Bankruptcy, unless Petition be filed within Twelve Months after the Act of Bankruptcy. 12 & 13 Vict. c. 106. s. 134.

CCXI. Every Warrant of Attorney to confess Judgment in any personal Action, given by any Bankrupt after the *Commencement of this Act*, and within *Two* Months of the filing of a Petition for Adjudication of Bankruptcy by or against such Bankrupt, and being for or in respect of (wholly or in part) an antecedent Debt or Money  
 40 Demand, and every Cognovit Actionem or Consent to a Judge's Order for Judgment given by any Bankrupt, at any Time after the *Commencement of this Act*, and within *Two* Months of the filing of any such Petition in any Action commenced by Collusion with the

*Of Warrants of Attorney, &c.*

Certain Warrants of Attorney, Cognovits, and Consents

to Judge's  
Order, given  
within Two  
Months of  
filing Peti-  
tion, to be  
null and  
void.

12 & 13 Vict.  
c. 106. s. 135.

Warrant of  
Attorney  
and Cognovit  
Actionem  
not to be  
acted upon  
against  
Goods of  
Bankrupt  
after Adjudi-  
cation.

1 & 2 Vict.  
c. 110. s. 61.

Bishop v.  
Hatch,

1 A. & E. 171.

Bankrupt, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt, such Bankrupt being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit Actionem, or Consent, (as the Case may be,) shall be 5 deemed and taken to be null and void, whether the same shall have been given by such Bankrupt in contemplation of Bankruptcy or not.

CCXII. In all Cases where any Bankrupt shall at any Time previously to the filing of the Petition for Adjudication of Bankruptcy by or against such Bankrupt, have executed any Warrant of Attorney 10 to confess Judgment, or shall have given any Cognovit Actionem, or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall, after the Adjudication of Bankruptcy of such Bankrupt, avail himself of any Execution or Sequestration issued or to be issued upon any Judgment obtained or to be obtained upon such 15 Warrant of Attorney or Cognovit Actionem, or of such Bill of Sale, either by Seizure and Sale or Sequestration of the Property of such Bankrupt, or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but any Person to whom any Sum or Sums of Money shall be due in respect of any such Warrant of 20 Attorney or Cognovit Actionem, or of such Bill of Sale, shall and may prove as a Creditor for the same under this Act.

Warrants of  
Attorney  
and Cogno-  
vits Actio-  
nem given  
by any  
Debtor to be  
void, unless  
the same or  
a Copy  
thereof be  
filed, &c.  
within  
Twenty-one  
Days after  
the Execu-  
tion thereof.

3 G. 4. c. 39.

CCXIII. If after the *Commencement of this Act* any Warrant of Attorney to confess Judgment in any personal Action, or any Cog- novit Actionem in any personal Action, shall have been given by 25 any Debtor, and such Warrant of Attorney or Cognovit Actionem, or a true Copy thereof, shall not have been filed with the Officer acting as Clerk of the Docquets and Judgments in the Court of Queen's Bench within *Twenty-one* Days next after the Execution thereof, in Manner and Form provided by the Act of the Session 30 of Parliament of the Third Year of the Reign of His late Majesty King George the Fourth, Chapter Thirty-nine, every such Warrant of Attorney and Cognovit Actionem shall be deemed fraudulent, null, and void to all Intents and Purposes whatever; and if any such Warrant of Attorney or Cognovit Actionem which shall be so filed as aforesaid 35 shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney or Cognovit Actionem shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney or 40 Cognovit Actionem shall be null and void to all Intents and Purposes whatever.

CCXIV. Every

- CCXIV. Every Judge's Order made by Consent given after the Commencement of this Act by any Debtor Defendant in any personal Action, and whereby the Plaintiff in such Action shall be authorized forthwith after the making of such Order, or at any future
- 5 Time, to sign or enter up Judgment, or to issue or take out Execution in such Action, and whether such Order shall be made subject to any Defeazance or Condition or not, in case the Action in which such Order shall be made shall be in the Court of Queen's Bench, or in
- 10 Court, a true Copy of such Order shall, together with an Affidavit of the Time of such Consent being given, and a Description of the Residence and Occupation of the Defendant, be filed with the Officer acting as Clerk of the Docquets and Judgments in the said Court of Queen's Bench within *Twenty-one* Days after the making of such
- 15 Order, in like Manner as a Warrant of Attorney in any personal Action and a Cognovit Actionem given by any Defendant in any personal Action, or Copies thereof and Affidavits of the Execution thereof respectively may be filed with the said Clerk within the Space of *Twenty-one* Days after such Warrant of Attorney or Cognovit
- 20 Actionem shall have been executed, otherwise such Judge's Order, and any Judgment signed or entered up thereon, and any Execution issued or taken out on such Judgment, shall be null and void to all Intents and Purposes whatever; and the Provisions respectively contained in the said Act of the Session of Parliament of the Third Year of the
- 25 Reign of His late Majesty King George the Fourth, Chapter Thirty-nine, and in the Act of the Session of Parliament of the Sixth and Seventh Years of the Reign of Her Majesty, Chapter Sixty-six, for Liberty to file Warrants of Attorney and Cognovits Actionem, or Copies thereof, with the Clerk of the Docquets and Judgments,
- 30 and for the said Clerk to make certain Entries and Search in relation thereto, and for entering Satisfaction thereon, and for Fees for Search and filing and taking Office Copies, shall extend and be applicable to every such Judge's Order, in like Manner as to Warrants of Attorney and Cognovits Actionem mentioned in the said Acts.

Judge's Order obtained by Consent given by any Debtor Defendant to be void, unless the same or a Copy thereof be filed within Twenty-one Days, in like Manner as Warrants of Attorney and Cognovits Actionem.

3 G. 4. c. 39.

6 & 7 Vict. c. 66.

- 35 CCXV. No Deed, Conveyance, Assignment, Surrender, Admission, or other Assurance of or to or relating solely to any Freehold, Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or to any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in, any Messuages, Lands,
- 40 Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt, or Part or Parcel thereof, and which, after the Execution of such Deed, Conveyance, Assignment, Surrender, or Assurance respectively, shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt, or of the
- [154.] H 2 Assignee

Exemptions from Stamp Duties, &c.

Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty. 12 & 13 Vict. c. 106. s. 138.



Assignee appointed or chosen under any Bankruptcy, and no Power of Attorney, Writ of Supersedeas and Procedendo, Order, Certificate of Conformity, Affidavit, or other Instrument or Writing whatsoever relating solely to the Estate or Effects of any Bankrupt, or to any Part thereof, or to any Proceeding under any Bankruptcy, and no Affidavit, Bond, or other Proceeding under this Act, and no Advertisement inserted in the London Gazette relating solely to Matters in Bankruptcy or Proceedings under a Petition for Adjudication of Bankruptcy, shall be liable to any Stamp Duty, or to any other Duty whatsoever, save and except such Stamp Duty as is thereon imposed by this present Act.

And with respect to the First Meeting of Creditors, and the Transfer of a Petition for Adjudication of Bankruptcy from the Court of Bankruptcy into a County Court, be it enacted as follows:

Meeting of  
Creditors.

CCXVI. Forthwith, after the Surrender of the Bankrupt the Court of Bankruptcy shall appoint a Meeting of the Creditors of such Bankrupt, of which *Seven Days* Notice shall be given in the London Gazette, and which Meeting shall be held at such Time and Place as the Court shall appoint, having regard to the Residences of the major Part of the Creditors.

Registrar or  
Registrar of  
County  
Court to  
attend  
Meeting.

CCXVII. In case the Court of Bankruptcy shall direct the said Meeting to be held in any Place other than the Place in which such Court sits, the Court shall direct its Registrar, or the Registrar of the County Court of the Place in which such Meeting is held, to attend the said Meeting, and to preside thereat, and to receive the Proofs of the Debts of the Creditors.

Majority in  
Value of  
Creditors  
may resolve  
that Petition  
be trans-  
ferred to  
County  
Court.

CCXVIII. At the said Meeting, or some Adjournment thereof, the Majority in Value of the Creditors may come to a Resolution that the Petition for Adjudication and all Proceedings thereunder shall be transferred from the Court of Bankruptcy into any County Court specified in such Resolution.

Court of  
Bankruptcy  
may make  
Order de-  
claring the  
same and  
directing the  
Transfer.

CCXIX. Such Resolution shall be reported to the Court of Bankruptcy in which the Petition was filed, and the Court, when satisfied that the required Majority concurred in such Resolution, shall make an Order declaring the same, and directing the Transfer of the Petition into the County Court specified in such Resolution; and thereupon the Petition and all other Documents relating thereto shall be transmitted to the Registrar of the County Court, and the Bankruptcy and all Matters under the Petition shall be prosecuted in the County Court in such and the same Manner in all respects as if the same had continued to be prosecuted in the Court of Bankruptcy.

And

And with respect to the Choice of a Creditors Assignee, be it enacted as follows:

*Meeting for  
Choice of a  
Creditors  
Assignee.*

CCXX. At the said First Meeting of Creditors, or some Adjournment thereof, the Majority in Value of the Creditors shall choose One  
5 of the Official Assignees of the Court, or some other duly qualified Person, to be the Assignee of the Bankrupt's Estate and Effects, and to be called the Creditors Assignee.

Creditors  
Assignee  
when and  
how chosen.  
12 & 13 Vict.  
c. 106. s. 139.

CCXXI. If One or more of the Partners of a Firm be adjudged bankrupt, any Creditor to whom the Bankrupt is indebted jointly  
10 with the other Partners of the Firm, or any of them, shall be entitled to prove his Debt, for the Purpose only of voting in the Choice of Creditors Assignee, and for being heard against the Allowance of the Bankrupt's Certificate, or for either of such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of  
15 the Bankrupt until all the separate Creditors shall have received the full Amount of their respective Debts.

Joint Cre-  
ditor entitled  
to prove  
under sepa-  
rate Estate,  
for the  
Purpose of  
voting in the  
Choice of  
Creditors  
Assignee,  
&c.  
12 & 13 Vict.  
c. 106. s. 140.

CCXXII. The Court shall, within *Four* Days after the Election of the Creditors Assignee, hear any Creditors desirous of making any Objection to the Appointment of such Creditors Assignee, and also  
20 hear such Persons in support thereof as the Court shall judge fit, and shall, unless some valid Objection shall in the Opinion of the Court be made to such Appointment, confirm the same.

Confirma-  
tion by  
Court.

CCXXIII. In case the Court shall allow such Objection, it shall declare the Election void, and another Meeting of the Creditors shall  
25 thereupon be called for the Election of another Person as Creditors Assignee, and such Meeting shall be held within *Seven* Days after the Allowance of such Objection as aforesaid.

Election of  
Creditors  
Assignee  
after a pre-  
vious Elec-  
tion declared  
void.

CCXXIV. The Creditors shall at the Meeting for electing a Creditors Assignee determine on the Amount and Nature of the  
30 Security to be given by the Creditors Assignee, and such Security may, if the Creditors shall so determine, be by way of Bond given to any Registrar of the Court and his Successors, who are hereby authorized to sue thereupon.

Security.  
19 & 20 Vict.  
c. 79. s. 72.

CCXXV. The Creditors shall at the Meeting for electing a Cre-  
35 ditors Assignee determine the Bank into which the Payment of all Monies belonging to the Bankrupt's Estate shall be paid, and the Names in which the Account shall be kept, and shall give such other or further Directions as to the Investment of such Monies in Ex-  
chequer Bills or otherwise as shall seem proper to the Meeting.

Banking  
Account

Remuneration of Creditors Assignee.

CCXXVI. The Creditors shall at the Meeting for electing the Creditors Assignee determine the Rate or Amount of the Remuneration to be paid to the Creditors Assignee out of the Bankrupt's Estate.

Certificate of Appointment.  
19 & 20 Vict. c. 79. s. 73.

CCXXVII. When the Election of an Assignee shall have been 5 confirmed by the Court as aforesaid, and the Creditors Assignee has produced to the Court such Evidence as the Court shall think proper of his having given such Security as was in that Behalf determined by the Creditors, the Court shall, by Certificate under the Hand of the Commissioner or Judge and the Seal of the Court (to 10 be called the Certificate of Appointment), declare such Creditors Assignee to have been duly elected, and appoint him to the said Office accordingly, and such Appointment shall be final, and shall not be subject to Review or Appeal.

Registration of Certificate.

CCXXVIII. A Copy of such Certificate of Appointment shall be 15 transmitted by the Registrar of the Court granting the same to the Chief Registrar, who shall register the same in such Manner as may be directed by any General Order to be made in pursuance of this Act.

Removal of Creditors Assignee and Election of a new One in certain Cases.  
19 & 20 Vict. c. 79. s. 74.

CCXXIX. A Majority in Number and Value of the Creditors 20 may at any Meeting duly called for the Purpose remove the Creditors Assignee or accept of his Resignation, and *One Fourth* of the Creditors in Value may at any Time apply to the Court, by Petition, for the Removal of the Creditors Assignee, and if on the Hearing of such Petition the Court shall be of opinion that sufficient Reason 25 has been shown, it may remove such Creditors Assignee, and appoint a Meeting of the Creditors to be held for electing a new Creditors Assignee; and if the Assignee shall die, resign, or be removed, or remain abroad for *Three Months* at any one Time, any Creditor may apply to the Court to appoint a Meeting for electing a new Creditors 30 Assignee, and the Court may accordingly appoint a Meeting whereof at least *Seven Days* previous Notice shall be given in the London Gazette, and such Meeting may elect a new Creditors Assignee accordingly.

Mode of electing new Creditors Assignee, and his Duties.

CCXXX. In all cases of the Election of a new Creditors Assignee, 35 the Proceedings shall take place in the like Manner as is herein-before provided in the Case of the First Election, and the new Creditors Assignee shall be invested with the Powers, and perform the Duties, and be subject to the same Rules as are herein-before provided, and shall call to account the former Creditors Assignee, his Heirs, 40 Executors, Administrators, or Assigns, as the Case may require.

And



And with respect to the Rights and Duties of the Creditors Assignee, be it enacted as follows :

*Rights and Duties of Creditors Assignee.*

- CCXXXI. When any Person shall have been adjudged a Bankrupt, all his Personal Estate and Effects, present and future, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised or bequeathed or come to him, before he shall have obtained his Certificate, and all Debts due or to be due to him, wheresoever the same may be found or known, and the Property, Right, and Interest in such Debts, shall become absolutely vested in the Assignee for the Time being (whether he be the Official or Creditors Assignee), for the Benefit of the Creditors of the Bankrupt, by virtue of his Appointment; and after such Appointment, neither the Bankrupt, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached by any Person as the Debt of the Bankrupt by virtue of any Custom of the City of London or of any other Place, or under or by virtue of the "Common Law Procedure Act, 1854," or otherwise, but such Assignee shall have like Remedy to recover the same in his own Name as the Bankrupt himself might have had if he had not been adjudged bankrupt.

Personal Estate to vest in Assignee. 12 & 13 Vict. c.106. s.141.

- CCXXXII. When any Person shall have been adjudged a Bankrupt, all Lands, Tenements, and Hereditaments, except Copy or Customaryhold, in England, Scotland, Ireland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, to which any Bankrupt is entitled, and all Interest to which such Bankrupt is entitled in any of such Lands, Tenements, or Hereditaments, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies, have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignee for the Time being (whether he be the Official or Creditors Assignee), for the Benefit of the Creditors of the Bankrupt, by virtue of his Appointment, without any Deed of Conveyance for that Purpose; and as often as any such Assignee (whether he be the Official or Creditors Assignee) shall cease to be such Assignee, and another Assignee shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Appointment vest in the new Assignee, without any Conveyance for that Purpose.

Real Estate to vest in Assignee. 12 & 13 Vict. c. 106. s. 142.

CCXXXIII. Where according to Law any Conveyance or Assignment of any Real or Personal Property of a Bankrupt would be required to be registered, enrolled, or recorded in any Registry Office

Where a Conveyance of the Property of a Bankrupt

would require to be registered, the Order or Certificate of Appointment of the Assignee shall be registered.

12 & 13 Vict.  
c. 106. s. 143.

in England, Wales, or Ireland, or in any Registry Office, Court, or other Place in Scotland, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then and in every such Case the Order or Certificate of the Appointment of the Assignee (as the Case may be) shall be registered in the Registry Office, Court, or 5 Place wherein such Conveyance or Assignment would require to be registered, enrolled, or recorded, and such Registry shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; and the Title of any Purchaser of any such 10 Property for valuable Consideration, without Notice of the Bankruptcy, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of an Assignee, or of the vesting of such Property in him consequent thereupon, unless 15 the Order or Certificate of such Appointment shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of Great Britain and Ireland, within *Two* Months from the Date of such Appointment, and as regards all other Places within *Twelve* Months from that Date thereof. 20

Assignee not to take Crop in any other Way than Bankrupt would have been entitled to do.

12 & 13 Vict.  
c. 106. s. 144.

CCXXXIV. No Assignee of any Bankrupt's Estate, nor any Purchaser from any such Assignee of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt engaged or employed in Husbandry on any Lands let to farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any 25 other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt so employed in Husbandry ought to have taken, used, or disposed of the same if he had not been adjudged bankrupt. 30

Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Creditors Assignee decline to determine whether he will accept Conveyance, &c., any Person entitled may apply to the Court.

12 & 13 Vict.  
c. 106. s. 145.

CCXXXV. If the Creditors Assignee of any Bankrupt having or being entitled to any Land either under a Conveyance to him in Fee or under an Agreement for any such Conveyance, subject to any perpetual yearly Rent reserved by such Conveyance or Agreement, or having or being entitled to any Lease or 35 Agreement for a Lease, shall elect to take such Land or the Benefit of such Conveyance or Agreement, or such Lease or Agreement for a Lease, as the Case may be, the Bankrupt shall not be liable to pay any Rent accruing after the filing of the Petition for Adjudication of Bankruptcy against him, or to be sued in respect of any subse- 40 quent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Creditors Assignee shall decline to take such Land, or the Benefit of such Conveyance

or

or Agreement, or Lease or Agreement for Lease, the Bankrupt shall not be liable if, within *Fourteen* Days after he shall have had Notice that the Creditors Assignee has declined, he shall deliver up such Conveyance or Agreement, or Lease or Agreement for Lease, to the  
5 Person then entitled to the Rent, or having so agreed to convey or lease, as the Case may be; and if the Creditors Assignee shall not (upon being thereto required) elect whether he will accept or decline such Land or Conveyance or Agreement for Conveyance, or such Lease or Agreement for a Lease, any Person entitled to such Rent,  
10 or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect and deliver up such Conveyance or Agreement for Conveyance, or Lease or Agree-  
15 session of the Premises, or may make such other Order therein as it shall think fit: Provided always, that in every Case of a Lease or an Agreement for a Lease, it shall be lawful for the Creditors Assignee to elect to take the same and the Benefit thereof, and to keep Possession of the Premises up to some Quarter or Half-yearly Day on which Rent  
20 is made payable by the same Lease or Agreement, such Day not being more than *Six* Months from the Adjudication of Bankruptcy, and from and after such Day to decline such Lease or Agreement for a Lease.

Proviso that Creditors Assignee may elect to take for limited Period.

CCXXXVI. If any Bankrupt shall have entered into any Agree-  
ment for the Purchase of any Estate or Interest in Land, the Vendor  
25 thereof, or any Person claiming under him, if the Creditors Assignee shall not (upon being thereto required) elect whether he will abide by and execute such Agreement, or abandon the same, may apply to the Court, and the Court may thereupon order him to deliver up the Agreement and the Possession of the Premises to the Vendor or Person  
30 claiming under him, or may make such other Order therein as such Court shall think fit.

Vendor of Estate in Lands may compel Creditors Assignee to elect whether they will abide by or decline the Agreement for Sale. 12 & 13 Vict. c. 106. s. 146.

CCXXXVII. All Powers vested in any Bankrupt which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Creditors  
35 Assignee, for the Benefit of the Creditors, in such Manner as the Bankrupt might have executed the same.

Creditors Assignee may execute Powers previously vested in Bankrupt. 12 & 13 Vict. c. 106. s. 147.

CCXXXVIII. It shall be lawful for the Court, upon the Application of the Creditors Assignee, or of any Purchaser from him of any Part of the Bankrupt's Estate, to order the Bankrupt to join in any Con-  
40 veyance of such Estate or any Part thereof; and if he shall not execute such Conveyance within the Time directed by the Order, such Bankrupt, and all Persons claiming under him, shall be estopped from objecting to the Validity of such Conveyance; and all Estate,

Court may order Bankrupts to join in Conveyances. 12 & 13 Vict. c. 106. s. 148.



Right, or Title which such Bankrupt had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Conditional Estates granted by the Bankrupt may be redeemed by Assignee.

12 & 13 Vict. c. 106. s. 149.

CCXXXIX. If any Bankrupt shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, such Grant, Conveyance, Assurance, Pledge, or Deposit being upon Condition or Power of Redemption at a future Day by Payment of Money or otherwise, the Official or Creditors Assignee may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance, according to such Condition, as fully as the Bankrupt might have done; and after such Tender, Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Creditors Assignee may appoint the Bankrupt to superintend the Management of the Estate.

12 & 13 Vict. c. 106. s. 150.

CCXL. In every Case the Creditors Assignee may, with the Approbation of the Court, appoint the Bankrupt himself to superintend the Management of the Estate, or to carry on the Trade or Business for behoof of the Creditors, and in all or any other respects he may think fit to aid him in administering the Bankrupt's Estate and Effects, in such Manner and on such Terms as he may think best for the Benefit of the Persons interested in the Estate.

Assignee to be subject to Orders of the Court.

12 & 13 Vict. c. 106. s. 151.

CCXLI. The Creditors Assignee shall, in his Conduct as such Assignee, be subject to the Orders of the Court, and also (but subject and without Prejudice to such Orders of the Court) to the Directions contained in any Resolution of the Meetings of the Creditors, and to the Advice and Assistance of the Inspectors; and it shall be lawful for the Court at all Times to summon the Creditors Assignee and require him to produce all Books, Papers, Deeds, Writings, and other Documents relating to the Bankruptcy in his Possession.

In case of a Member of a Firm becoming bankrupt, the Court may authorize Action or Suit in Name of the Creditors Assignee and of the remaining Partner.

Partner to have Notice and be at liberty to show Cause. Court may

CCXLII. If any Person adjudged bankrupt shall at the Time of the Adjudication of Bankruptcy be a Member of a Firm, it shall be lawful for the Court to authorize the Creditors Assignee, upon his Application, to commence or prosecute any Action at Law or Suit or other Proceeding in Equity, in the Name of such Assignee and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained therein as if such Action, Suit, or other Proceeding had been instituted with the Consent of such Partner, and if such Partner shall execute any Release of the Debt or Demand for which such Action, Suit, or other Proceeding is instituted, such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Action, Suit, or other Proceeding in such Manner

Manner as the Court may direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action, Suit, or other Proceeding as such Court shall direct.

direct Partner to have Part of Proceeds.

12 & 13 Vict. c. 106. s. 152.

- 5 CCXLIII. The Creditors Assignee, when thereunto authorized by a Resolution of a Meeting of the Creditors, or with the Leave of the Inspectors and of the Court first obtained, may commence, prosecute, defend, or respond to any Action at Law or Suit or other Proceeding in Equity which the Bankrupt might have commenced,
- 10 prosecuted, defended, or responded to, and in such Case the Costs to which he may be put in respect of such Suit, Action, or other Proceeding shall be allowed out of the Proceeds of the Estate and Effects of the Bankrupt; and with like Authority of a Resolution or the like Leave of the Court, and after Notice to such Creditors, and subject
- 15 to such Condition (if any) as to obtaining the Consent of Creditors, or any Proportion of them, as the Court shall think fit to direct, the Creditors Assignee may take such reasonable Part of any Debts due to the Bankrupt's Estate as may by Composition be gotten, or may give Time or take Security for the Payment of such Debts, and may
- 20 submit to Arbitration any Difference or Dispute between the Creditors Assignee and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt.

Creditors Assignee may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration.

12 & 13 Vict. c. 106. s. 153.

- CCXLIV. If the Assignee shall agree in manner aforesaid to refer any Matter in dispute to Arbitration, such Agreement of Reference
- 25 may be made a Rule of any of Her Majesty's Superior Courts of Law at Westminster, whether such Agreement contain a Clause to that Effect or not.

Reference to Arbitration may be made a Rule of Court.

12 & 13 Vict. c. 106. s. 154.

- CCXLV. The Creditors Assignee when thereunto authorized by a Resolution of a Meeting of the Creditors, or with the Leave of the
- 30 Inspectors and of the Court first obtained, may sell and assign any outstanding Debts or other Property due or belonging to the Estate of the Bankrupt which it shall seem desirable so to sell and assign, and also therewith the Books of the Bankrupt relating to his Trade, Dealings, Estate, or pecuniary Affairs, in such Manner and subject
- 35 to such Conditions as shall be directed or authorized by the Meeting of the Creditors or the Inspectors and the Court (as the Case may be); and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignee of such Bankrupt might have done.

Creditors Assignee may sell outstanding Debts.

12 & 13 Vict. c. 106. s. 188.

- 40 CCXLVI. The Creditors Assignee, when thereunto authorized by a Resolution of a Meeting of the Creditors, or with the Leave of the

Creditors Assignee may allow Inspectors Mortgagees

[154.]

to bid at  
Sale.

20 & 21 Vict.  
c. 60. s. 316.

Property  
may be  
mortgaged if  
more bene-  
ficial.

20 & 21 Vict.  
c. 60. s. 318.

Inspectors and of the Court first obtained, may permit any Mortgagee to bid at any Sale of the mortgaged Property of the Bankrupt.

CCXLVII. If it shall appear to any Meeting of the Creditors that the Debts of any Bankrupt can be discharged by means of Money raised by way of Mortgage or Pledge of any of his Property, it shall be lawful for the Creditors Assignee, when thereunto authorized by Resolution, to execute such Mortgages or Pledges with or without Powers of Sale and other Powers, and in such Manner in all respects as shall be specified in such Resolution; and the Court may order the Execution of such Mortgages or Pledges by any other necessary Parties, and give all necessary Directions for the Purpose of carrying into effect the Resolution of the Creditors.

Pay, Half  
Pay, and  
Pensions of  
Bankrupts  
to be appli-  
cable for  
Creditors.

1 & 2 Vict.  
c. 110. s. 56.  
20 & 21 Vict.  
c. 60. s. 319.

CCXLVIII. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt, as, on Communication from the Court to the Secretary of War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, or to the Court of Directors of the East India Company, they respectively may, under their Hands, or under the Hand of their respective Chief Secretary or other Chief Officer for the Time being, consent to, in Writing, to be paid to the Assignee, in order that the same may be applied in Payment of the Debts of such Bankrupt; and such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of the said Court of Directors, or of any other Officer or Person appointed to pay or paying any such Pay, Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Assignee until the Court shall make Order to the contrary.

Sequestra-  
tion of  
Profits of  
Benefice  
may be  
obtained.  
1 & 2 Vict.  
c. 110. s. 55.

CCXLIX. The Creditors Assignee of any Bankrupt, being a beneficed Clergyman or Curate, may apply for and obtain a Sequestration of the Profits of the Benefice or Curacy of such Bankrupt, which said Profits shall form Part of the Bankrupt's Estate and be applied accordingly; and the Certificate of Appointment of such Assignee shall be a sufficient Authority for the granting of such Sequestration without any Writ or other Proceeding to authorize the same, and such Sequestration shall accordingly be issued as the same might have been issued upon any Writ of *Levari facias* founded upon any Judgment against such Bankrupt.



CCL. All the Books, Papers, and Writings of the Bankrupt relating to his Trade, Dealings, Estate, or pecuniary Affairs, not being Deeds, Evidences, and Muniments of Title, (except such as shall have been sold and assigned, together with any outstanding Debts or other  
 5 Property of the Bankrupt which cannot be collected and received without unreasonable or inconvenient Delay, in the Manner herein provided,) shall, so soon as the Estate of the Bankrupt shall have been fully collected and received and wholly divided, be burned or otherwise effectually destroyed: Provided, that it shall be lawful for the Court  
 10 to direct that the burning or other Destruction of the said Books, Papers, and Writings, or any of them, shall be postponed till such Time as the Court may from Time to Time direct, or, if the Court shall so think fit, to direct that the said Books, Papers, and Writings, or any of them, shall not be so burnt or destroyed, but shall be returned to the  
 15 Bankrupt, or preserved in such Custody as the Court shall direct.

Books, Papers, &c. of Bankrupt to be destroyed.

CCLI. All Persons from whom the Official or Creditors Assignee shall have recovered any Real or Personal Estate, either by Judgment or Decree, are hereby discharged, in case the Adjudication of Bankruptcy, or Petition for Adjudication, be afterwards annulled or dismissed,  
 20 from all Demands which may thereafter be made in respect of the same by the Person against whom such Adjudication was made, and all Persons claiming under him; and all Persons who shall, without Action or Suit, bonâ fide deliver up Possession of any Real or Personal Estate to the Official or Creditors Assignee, or pay any Debt claimed  
 25 by them, are hereby discharged from all Claim of any such Person as aforesaid in respect of the same, or any Person claiming under him.

If Petition or Adjudication be dismissed, Persons from whom the Assignee has recovered, or who have bonâ fide paid the Assignee, &c. discharged from Claims by the Bankrupt. 12 & 13 Vict. c. 106. s. 155.

CCLII. Whenever an Official or Creditors Assignee shall die or be removed, or a new Assignee shall be appointed, no Action at Law or Suit or Proceeding in Equity shall be thereby abated, but the Court  
 30 in which any Action, Suit, or other Proceeding is depending may, upon the Suggestion of such Death or Removal and new Appointment, allow the Name of the new Assignee to be substituted in the Place of the former; and such Action, Suit, or other Proceeding shall be prosecuted in the Name of the said new Assignee, in the same  
 35 Manner as if he had originally commenced the same.

Suits not to abate by Death or Removal of Assignee. 12 & 13 Vict. c. 106. s. 157.

CCLIII. In case of any Dispute or Difference between the Official Assignee, the Creditors Assignee, the Inspectors, and the Creditors, or any of such Persons, as to or concerning the Management of the Bankrupt's Estate or the Accounts thereof, or the Declaration  
 40 and Payment of a Dividend, it shall be lawful for the Person or Persons aggrieved to apply to the Court; and it shall be lawful for the Court to summon and to examine upon Oath the Official and Creditors  
 [154.] K Assignee,

Court may determine on all Differences between Assignees, Creditors, &c.

Assignee, or any other Person whomsoever, touching such Management and Accounts, and all Matters and Things concerning the Bankruptcy, and to direct such Inquiries, and to give such Directions and make such Orders relative thereto, as shall to the Court seem just and expedient, and to award Costs, personally or in any other Manner, against the Official or Creditors Assignee or any other Person; provided that in all Cases in which a Resolution has been come to by a Majority of the Creditors assembled in a Meeting, regard shall be had by the Court to such Resolution, and the same shall not be varied or set aside by the Court, unless such Resolution shall, in the Opinion of the Court, be unjust or inequitable.

Limitation  
of Actions.  
12 & 13 Vict.  
c. 106. s. 159.

General  
Issues.

Costs.

*Of the  
Inspectors.*

Three In-  
spectors to  
be elected by  
Creditors.

CCLIV. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within *Three* Months next after the Fact committed; and the Defendant in any such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial, and that the same was done by Authority of this Act: and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit, after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expenses incurred in and about any such Action as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

And with respect to Inspectors, be it enacted as follows:

CCLV. At the Meeting for the Election of a Creditors Assignee the Creditors shall, after the Election of a Creditors Assignee, if there be Three or more Creditors who have proved, elect *Three* Creditors to be Inspectors, and the like Proceedings shall take place in regard to their Election as are provided in regard to the Election of a Creditors Assignee, except that they shall not be bound to find Security, and the Court shall decide who are the Persons duly elected, and set aside or confirm the Election of Persons to the Office of Inspectors, and appoint them thereto by Certificate, as in the Case of the Creditors Assignee, which Appointment shall be final; and such Inspectors may be removed, and a new Inspector or Inspectors be elected, in such Manner as is herein provided in respect to the Creditors Assignee.

CCLVI. The

CCLVI. The Inspectors shall superintend the Proceedings of the Creditors Assignee, give their Advice and Assistance relative to the Management of the Estate, decide as to paying or postponing Payment of a Dividend, and may assemble at any Time to ascertain the Situation of the Bankrupt's Estate, and they, or any One or more  
 5 of them, may make such Report as they or he may think proper to a General Meeting of the Creditors.

Their  
Duties.

CCLVII. The Inspectors shall in their Conduct as Inspectors be subject to the Orders of the Court, and also (but subject and without Prejudice to such Orders of the Court) to the Directions contained in  
 10 any Resolution of the Meetings of the Creditors.

Subject to  
the Court,  
and Meetings  
of Creditors.

And with respect to the last Examination, be it enacted as follows :

*Of the last  
Examination.*

CCLVIII. The Bankrupt shall prepare such Statement of his Accounts, and in such Form as the Court shall direct, and shall subscribe such Statement, and file the same in Court *Ten Days* at least before  
 15 the Day appointed for the last Examination, or the Adjournment Day thereof for that Purpose ; and such Statement, before such last Examination, may be amended from Time to Time as Occasion shall require, and such Court shall direct ; and the Bankrupt shall make  
 20 Oath of the Truth of such Statement, whenever he shall be duly required by the Court so to do ; and the last Examination of the Bankrupt shall in no Case be passed unless his Statement shall have been duly filed as aforesaid.

The Bank-  
rupt to pre-  
pare and file  
a Statement  
of Accounts.  
12 & 13 Vict.  
c. 106. s. 160.

CCLIX. In the Preparation of such Statement of his Accounts the Bankrupt shall be assisted by the Official Assignee, who shall pre-  
 25 pare or file in Court, together with such Statement, a Report upon the State of the Affairs of the Bankrupt, setting forth such Facts and Particulars as may be required by the Court, or as it shall in the Opinion of the Official Assignee be important for the Court to be informed of ; and a Copy of the said Statement of Accounts and  
 30 Report shall, at the Time of the filing thereof in Court, be furnished to the Creditors Assignee : Provided that in case it shall appear to the Court that there are special Circumstances rendering it necessary or just that the Bankrupt should be assisted in the Preparation of such Statement of Accounts by some Person other than the Official  
 35 Assignee, it shall be lawful for the Court, on the Application of the Creditors Assignee, to nominate some such Person to assist the Bankrupt in that Behalf, and to allow to such Person, out of the Bankrupt's Estate, such Remuneration as to the Court shall seem just : Provided that in such Case the Bankrupt shall deliver a Copy of such  
 40 Statement to the Creditors Assignee, at the same Time as he shall file a Copy thereof in Court, and that such Statement, so prepared as last aforesaid, shall have appended thereto a Certificate signed by the

Assistance  
in the Pre-  
paration of  
the State-  
ment.



Person appointed to assist the Bankrupt in the Preparation thereof, expressing his Approval thereof or his Disapproval thereof, and the Particulars and Reasons of such Disapproval.

Statement of  
Accounts to  
be open to  
Creditors.

CCLX. The Statement of Accounts, when filed in Court, shall be open to the Inspection of all Creditors, who may take Copies of and 5  
Extracts from the same, subject nevertheless to such Regulations as may be made by any General Order to be made in pursuance of this Act; and a Copy of such Statement shall be sent by Post to each Creditor who shall have proved in respect to a Debt of *Ten Pounds* or upwards. 10

Bankrupts  
apprehended  
by Warrant.  
12 & 13 Vict.  
c. 106. s. 161.

CCLXI. If any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

Court may  
adjourn last  
Examination  
sine die.  
12 & 13 Vict.  
c. 106. s. 162.

CCLXII. It shall be lawful for the Court, at the Time appointed 15  
for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination sine die; and in such Case the Bankrupt shall be free from Arrest or Imprisonment for such Time (if any) as such Court shall from Time to Time, by Endorsement on the Summons of the Bankrupt, think fit to appoint. 20

If Bankrupt  
in Prison or  
Custody,  
Court may  
appoint a  
Person to  
attend him  
with Books,  
Papers, &c.,  
to enable  
him to pre-  
pare State-  
ment.  
12 & 13 Vict.  
c. 106. s. 163.

CCLXIII. Whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may appoint a Person to attend him from Time to Time, to produce to him his Books, Papers, and Writings, in order that he may prepare his Statement of Accounts, and show the Particulars of his 25  
Estate and Effects, previous to his last Examination and Discovery thereof.

And with respect to Proof of Debts, and Payments in full, be it enacted as follows:

Of Proof of  
Debts, and  
Payments in  
full.

When and  
how Debts  
may be  
proved;

CCLXIV. Every Creditor of the Bankrupt may after Adjudication 30  
prove his Debts before the Appointment of the Creditors Assignee by filing either with the Official Assignee or with the Person appointed by the Court of Bankruptcy to preside at the First Meeting of Creditors, and after the Appointment of the Creditors Assignee by filing with such Creditors Assignee, a Statement of Account between the 35  
Creditor and the Bankrupt, together with a solemn Declaration, signed by the Creditor, appended thereto, that such Statement is a full, true, and complete Statement of Account between the Creditor and the Bankrupt, and that the Debt thereby appearing to be due from the Estate of the Bankrupt to the Creditor is then due; and all Bodies 40  
Politie and Public Companies incorporated, or authorized to sue or bring

by Corpo-  
rations, &c.  
12 & 13 Vict.  
c. 106. s. 164.

bring Actions, may prove by an Agent, provided such Agent shall in his Declaration declare that he is such Agent, and that he is authorized to make such Proof; and such Declaration, signed by such Creditor and Agent respectively as aforesaid, may be in the Form set forth in the Schedule Z. to this Act annexed.

CCLXV. Any Person who shall wilfully and corruptly make any Declaration for Proof of Debts as aforesaid, knowing the same, or the Statement of Account to which the same shall be appended, to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor, and shall be liable to undergo the Pains and Penalties imposed upon Persons guilty of wilful and corrupt Perjury.

CCLXVI. The Official and Creditors Assignees respectively shall examine all such Statements of Account as shall be filed with them respectively, and compare the same with the Books, Accounts, and other Documents of the Bankrupt, and shall call for such Evidence in support of such Statements as shall seem requisite, and shall from Time to Time make up a List of the Creditors who have so proved their Debts, stating the Amount and Nature of such Debts.

CCLXVII. Every Person with whom any Bankrupt shall have really and bonâ fide contracted any Debt or Demand before the filing of the Petition for Adjudication of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same, as if no such Act of Bankruptcy had been committed, provided such Person had not at the Time the same was contracted Notice of any Act of Bankruptcy by such Bankrupt committed.

CCLXVIII. The Court, out of the Estate and Effects of the Bankrupt, shall order Payment of all Duties of Assessed Taxes assessed on the Bankrupt at the Time of his Bankruptcy up to the Fifth Day of April next after the same shall have happened (such Payment not exceeding in the whole *One Year's* Assessment), and the Bankrupt shall not be liable to be assessed to such Duties after the said Fifth Day of April in respect of any Article kept and used for the Purposes of Trade at or before the Time of the Bankruptcy, which Article shall have been seized and surrendered and bonâ fide sold under the Bankruptcy, and not kept or used by the Bankrupt after the said Fifth Day of April.

CCLXIX. If any Person already appointed or employed or who may be hereafter appointed to or employed in any Office in any Society established under any of the Acts relating to Friendly Societies, and being entrusted with the keeping of the Accounts, or having in his Hands any Friendly

Society,  
Court to  
order Pay-  
ment thereof  
before any  
of his other  
Debts are  
satisfied.  
12 & 13 Vict.  
c. 106. s. 167.

Hands or Possession, by virtue of his Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall have been or shall become bankrupt, the Court shall, upon Application made by the Order of any such Society or any Committee thereof, or the major Part of them, 5 assembled at any Meeting thereof, order Payment and Delivery over to be made to such Society, or to such Person as such Society or Committee may appoint, of all Monies and other Things belonging to such Society, and shall also order Payment out of the Estate and Effects of the Bankrupt of all Sums of Money remaining due which 10 the Bankrupt received by virtue of his said Office or Employment, before any other of his Debts are paid or satisfied.

Six Months  
Wages or  
Salary to be  
paid to  
Clerks or  
Servants.  
12 & 13 Vict.  
c. 106. s. 168.

CCLXX. When any Bankrupt shall have been indebted at the Time of filing the Petition for Adjudication of Bankruptcy to any Servant or Clerk of such Bankrupt in respect of the Wages or Salary 15 of such Servant or Clerk, so much as shall be so due, not exceeding *Six Months Wages or Salary*, and not exceeding *Sixty Pounds*, shall be paid to such Servant or Clerk out of the Estate of such Bankrupt; and such Servant or Clerk shall be at liberty to prove for any Sum exceeding such Amount. 20

Wages not  
exceeding *5l.*  
to be paid to  
Labourer or  
Workman.  
12 & 13 Vict.  
c. 106. s. 169.

CCLXXI. When any Bankrupt shall have been indebted at the Time of filing the Petition for Adjudication of Bankruptcy to any Labourer or Workman of such Bankrupt in respect of the Wages or Labour of such Labourer or Workman, so much as shall be so due, not exceeding *Five Pounds*, shall be paid to such Labourer or 25 Workman out of the Estate of such Bankrupt; and such Labourer or Workman shall be at liberty to prove for any Sum exceeding such Amount.

Apprentices  
to Bankrupts  
discharged  
from their  
Indentures.

Court may  
order any  
Sum to be  
paid in  
respect of  
Apprentice  
Fees.  
12 & 13 Vict.  
c. 106. s. 170.

CCLXXII. Where any Person shall have been an Apprentice to a Bankrupt at the Time of the filing of a Petition for Adjudication of 30 Bankruptcy, the filing of such Petition shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and bona fide paid, by or on the behalf of such Apprentice, to the Bankrupt, as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, 35 to order any Sum to be paid out of the Estate of the said Bankrupt, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had, in estimating such Sum, to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with 40 the Bankrupt previous to the filing of such Petition, and to the other Circumstances of the Case.

CCLXXIII. Where



CCLXXIII. Where there has been mutual Credit given by the Bankrupt and any other Person, or where there are mutual Debts between the Bankrupt and any other Person, an Account shall be stated between them, and one Debt or Demand may be set against another, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him; and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made proveable against the Estate of the Bankrupt may also be set off in manner aforesaid against such Estate, provided that the Person claiming the Benefit of such Set-off had not, when such Credit was given, Notice of an Act of Bankruptcy by such Bankrupt committed.

Mutual Debts and Credits may be set off, notwithstanding prior Act of Bankruptcy. 12 & 13 Vict. c. 106. s. 171.

CCLXXIV. Any Person who shall have given Credit to the Bankrupt upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable when such Bankrupt committed an Act of Bankruptcy, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove such Debt, Bill, Bond, Note, or other Security as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of *Five Pounds* per Centum per Annum, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest. 12 & 13 Vict. c. 106. s. 172.

CCLXXV. Any Person who at the Time of filing a Petition for Adjudication of Bankruptcy shall be Surety or liable for any Debt of the Bankrupt, or Bail for the Bankrupt, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, (although he may have paid the same after the filing of the Petition for Adjudication of Bankruptcy,) if the Creditor shall have proved his Debt under the Bankruptcy, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy which such Creditor possessed or would be entitled to in respect of such Proof; or if the Creditor shall not have proved, such Surety or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt, provided that such Person had not, when he became such Surety or Bail, or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Sureties and Persons liable for the Debts of a Bankrupt may prove, after having paid such Debts. 12 & 13 Vict. c. 106. s. 173.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and after Loss to prove.  
Persons effecting Insurance admitted to prove Loss.  
12 & 13 Vict. c. 106. s. 174.

CCLXXVI. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance, made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the filing of the Petition for Adjudication of Bankruptcy against such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt shall be entitled to prove any Loss to which such Bankrupt shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Annuity Creditor admitted to prove.  
12 & 13 Vict. c. 106. s. 175.

CCLXXVII. Any Annuity Creditor of any Bankrupt, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy, shall be entitled to prove for the Value of such Annuity, which Value the Court shall, in case of Difference, ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the filing of the Petition for Adjudication of Bankruptcy.

Sureties for Payment of Annuities granted by Bankrupt, in what Manner to come in, under the Bankruptcy.  
12 & 13 Vict. c. 106. s. 176.

CCLXXVIII. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved against such Bankrupt's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have been paid or satisfied the Amount so proved, with Interest thereon at the Rate of *Four Pounds* per Centum per Annum, from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant, in respect of such Proof, to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt, when endorsed as herein provided, shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit, in account with such Annuitant, for any Dividends

Dividends received by such Annuitant under the Bankruptcy before such Surety shall have fully paid or satisfied the Amount so proved.

Debt contingent at the Time of the Bankruptcy to be provable for the Value thereof ascertained by the Court, or if Value not ascertained before the Contingency has happened, then, after the Contingency has happened, Amount of Debt may be proved.  
12 & 13 Vict. c. 106. s. 177.

CCLXXIX. If any Bankrupt shall, before the filing of a Petition for Adjudication of Bankruptcy, have contracted any Debt payable upon a Contingency which shall not have happened before the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value upon such Debt, and the Court is hereby required to ascertain the Value thereof, and such Person may thereupon prove for the Amount so ascertained, and receive Dividends thereon; or if such Value shall not be so ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends; provided such Person had not, when such Debt was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

Liability contingent at the Bankruptcy may be admitted to claim, and after Contingency has happened, and the Demand been ascertained, Demand may be proved.

CCLXXX. If any Bankrupt shall have contracted, before the filing of a Petition for Adjudication of Bankruptcy, a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit, and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he may prove for such Demand, and receive Dividends with the other Creditors, and, so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends; provided such Person had not at the Time such Liability was contracted Notice of any Act of Bankruptcy by such Bankrupt committed; provided also, that where any such Claim shall not have, either in whole or in part, been converted into a Proof within Six Months after the filing of such Petition, it may, upon the Application of the Creditors Assignee, at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged, either in whole or in part, from the Proceedings.

CCLXXXI. In case of the Bankruptcy of any Agent intrusted with the Possession of Goods, within the Meaning of the Act of the Session of Parliament of the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Thirty-nine, the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner,

On Bankruptcy of Agent intrusted with Goods, but which have been pledged by him,



Owner may  
prove for  
Amount paid  
to redeem,  
or for Value  
if the Goods  
be unre-  
deemed.  
5 & 6 Vict.  
c. 39. s. 7.  
12 & 13 Vict.  
c. 106. s. 179.

in manner provided by the said Act, after having been pledged by such Agent, shall, in respect of the Sum paid by him on account of such Agent for such Redemption, be held to have paid such Sum for the Use of such Agent before his Bankruptcy, or in case such Goods shall not be so redeemed the Owner shall be deemed a Creditor of 5 such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sums so paid, or the Value of such Goods, as the Case may be.

Interest  
upon Debts,  
when prov-  
able, though  
not reserved  
or agreed  
for.  
12 & 13 Vict.  
c. 106. s. 180.

CCLXXXII. Upon all Debts or Sums certain, payable at a certain 10 Time or otherwise, whereupon Interest is not reserved or agreed for, and which shall be overdue at the filing of the Petition for Adjudication of Bankruptcy, and provable thereunder, the Creditor shall be entitled to prove for Interest, to be calculated, at a Rate not exceed- 15 ing *Five Pounds* per Centum per Annum, up to the filing of such 15 Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be 20 claimed from the Date of such Demand until the Time of Payment.

Plaintiff or  
Defendant  
obtaining  
Judgment,  
&c. entitled  
to prove for  
Costs.  
12 & 13 Vict.  
c. 106. s. 181.

CCLXXXIII. If any Plaintiff in any Action at Law or Suit or other Proceeding in Equity, or Petitioner in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt for any Debt or Demand in 25 respect of which such Plaintiff or Petitioner shall prove under the Bankruptcy, such Plaintiff or Petitioner shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy; and if any Defendant shall have obtained any Judg- 30 ment, Decree, or Order in any such Action, Suit, or other Proceeding, or in the Matter of any such Petition, against any Person who shall thereafter become bankrupt, such Defendant shall be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of 35 the Bankruptcy.

Proof for  
proportion-  
ate Part of  
Rent or other  
Payment.

CCLXXXIV. In all Cases in which the Bankrupt is liable to pay any Rent or other Payment falling due at fixed or stated Periods, and the Adjudication of Bankruptcy shall happen at any Time other than one of such fixed or stated Periods, it shall be lawful for the 40 Person entitled to such Rent or other Payment to prove for a proportionate Part thereof up to the Day of the Adjudication of Bank-  
ruptcy,

ruptcy, in such Manner as if the said Rent or Payment grew due from Day to Day, and not at such fixed or stated Periods as aforesaid.

- CCLXXXV. No Creditor who has brought any Action or instituted any Suit or other Proceeding against any Bankrupt in respect of a Demand prior to the Bankruptcy, or which might have been proved as a Debt under the Bankruptcy, shall prove a Debt under such Bankruptcy, or have any Claim entered upon the Proceedings, without relinquishing such Action, Suit, or other Proceeding, and the proving or claiming a Debt under the Bankruptcy by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Bankruptcy with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or his Assignee of the Costs or such Action, Suit, or other Proceeding so relinquished by him, and that where any such Creditor shall have brought or instituted any Action, Suit, or other Proceeding against such Bankrupt jointly with any other Person or Persons, his relinquishing such Action, Suit, or other Proceeding against the Bankrupt shall not affect such Action, Suit, or other Proceeding against such other Person or Persons; provided also, that any Creditor who shall have so proved or claimed, if the Petition for Adjudication be afterwards superseded or dismissed, may proceed in the Action, Suit, or other Proceeding as if he had not so proved or claimed, and in bailable Actions shall be at liberty, under the Authority of a Judge's Order for that Purpose, obtained in like Manner as may now by Law be done, to arrest the Defendant de novo, if he has not put in Bail below or perfected Bail above, or if the Defendant has put in or perfected such Bail to have recourse against such Bail, by requiring the Bail below to put in and perfect Bail above within the first *Eight* Days in Term [after Notice in the London Gazette of the first superseding or dismissing such Petition, and by suing the Bail upon their Recognizance, if the Condition thereof is broken.

Proving Debt to be an Election not to proceed against the Bankrupt by Action. 12 & 13 Vict. c. 106. s. 182.

- CCLXXXVI. Whenever it shall appear to the Official or Creditors Assignee, or Two or more Creditors who have each proved Debts to the Amount of *Twenty Pounds* or upwards, that any Debt proved is not justly due, either in whole or in part, such Assignee or Creditors may apply to the Court; and it shall be lawful for the Court to make an Order directing that such Debt shall, either wholly or in part, be expunged from the Proceedings, unless the Person having proved such Debt shall at the Time in that Behalf appointed by the said Order show Cause to the contrary to the Satisfaction of the Court; and in case such Person shall not at such Time as appointed appear to show Cause, the said Order shall thereupon be made absolute, and

Court may expunge Proof of any Debts which, after Investigation, do not appear to be due. 12 & 13 Vict. c. 106. s. 183.

Application  
may be  
made in first  
instance to  
Court of  
Appeal.

Creditors  
having Se-  
curity not to  
receive more  
than other  
Creditors.

17 & 18 Vict.  
c. 36.

*Of*  
*Dividends.*  
—  
Declaration  
of Divi-  
dends by  
Inspectors.

such Debt so proved as aforesaid shall be expunged, according to the Terms of the said Order; and in case such Person shall appear and show Cause, then it shall be lawful for the Court to examine upon Oath the Person who shall have so proved such Debt, together with any Person whose Evidence may appear to the Court to be material, 5 either in support of or in opposition to any such Debt; and the Court shall upon such Hearing make an Order making absolute the original Order, or dismissing or modifying the same, and giving such Costs to or against the Parties to such Application, and that, either personally or otherwise, as the Justice of the Case shall require; 10 provided that such Assignee or Creditors requiring such Investigation shall within *Two* Days after the Order Nisi shall have been made give Notice thereof to the Person having proved the Debt mentioned in such Order, or leave such Notice at his last known Place of Abode or Business; provided also, that such Assignee or 15 Creditors may apply in the first instance to the Court of Appeal in Chancery, or either Party may appeal against the Determination of the Court of Bankruptcy.

CCLXXXVII. No Creditor having Security for his Debt, or having made any Attachment by virtue of any Custom of London or of any 20 other Place, or under or by virtue of the Common Law Procedure Act, 1854, or otherwise, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure and Sale upon or any Mortgage of or Lien upon any Part of the Property of such Bankrupt 25 before the filing of a Petition for Adjudication of Bankruptcy: Provided always, that nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order declared to be null and void by any Provision of this Act, nor to give Validity to any Judgment entered up under 30 or by virtue of any such Warrant of Attorney or Consent, or to any Execution, Extent, or Sequestration executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent, nor in anywise to affect the Provisions of the Act of the Session of Parliament of the Seventeenth and Eighteenth Years of the Reign of 35 Her present Majesty, Chapter Thirty-six.

And with respect to Dividends, be it enacted as follows:

CCLXXXVIII. Immediately on the Expiration of *Four* Months from the Date of the Adjudication of Bankruptcy, or such shorter Time as may be specified in a Resolution in that Behalf of any Meeting of the 40 Creditors, the Creditors Assignee shall proceed to make up a Statement of the whole Estate of the Bankrupt, of the Monies recovered, and of the Property outstanding, specifying the Cause of its being so out-



- outstanding, and of the whole of the Receipts and Payments of such Creditors Assignee, and such Accounts shall include an Account of all the Receipts, Payments, and other Transactions of the Official Assignee; and within *Fourteen* Days after the Expiration of the
- 5 said *Four* Months the Inspectors shall meet and examine such Statement and Accounts, and compare the Receipts with the Payments, and ascertain what Balances have been from Time to Time in the Hands of the Creditors Assignee, and if he kept in his Hands at any Time more than the Sum of *Fifty Pounds* the Inspectors
- 10 may debit him with Interest at any Rate not exceeding *Twenty Pounds* for every One hundred Pounds by the Year, for the Time such Monies were so kept in his Hands, and they shall audit the Accounts of the said Creditors Assignee, and settle the Amount of his Commission in pursuance of the Resolution of the Creditors in
- 15 that Behalf, and authorize him to take credit for such Amount in his Accounts with the Estate, and they shall declare by Writing under their Hands the Balance due to or from the Creditors Assignee in his Account with the Estate as at the Expiration of the said *Four* Months, and they shall by Resolution declare whether any
- 20 and what Part of the net Produce of the Estate, after making a reasonable Deduction for future Contingencies, shall be divided amongst the Creditors.

12 & 13 Vict.  
c. 106. s. 265.

- CCLXXXIX. A Meeting of the Creditors shall be called within *Five* Months from the Adjudication of Bankruptcy, to consider the
- 25 Statement of the Accounts of the Estate, and to confirm or disallow the Resolution of the Inspectors in respect of the Dividend, and generally to consider the Management and Condition of the Estate; and at such Meeting such Part of the net Produce of the Bankrupt's Estate as shall be set apart for a Dividend shall be divided amongst
- 30 such Creditors as have proved Debts under the Bankruptcy in proportion to their respective Debts, and shall be paid by the Creditors Assignee at such Time, Place, and Manner as shall be directed by the Resolution of the Meeting.

Meeting of  
Creditors to  
consider  
Accounts  
and declare  
Dividend.

- CCXC. The like Proceedings for the making up and auditing
- 35 of the Accounts of the Estate, and the Declaration and Payment of a Dividend, which are herein directed to be had at and in respect of the Expiration of *Four* Months from the Adjudication of Bankruptcy, shall be had at and in respect of the successive Expirations of every Period of *Four* Months from the Date of the Adjudication until the whole of
- 40 the Estate is divided amongst the Creditors, and a Dividend is declared to be final; provided that it shall be lawful for any Meeting of the Creditors, or for the Inspectors, when thereunto authorized by any
- [154.] L 3 Meeting

Like Pro-  
ceedings at  
successive  
Periods of  
Four  
Months.

Proviso for  
Acceleration  
or Postpone-  
ment.

Meeting of the Creditors, to accelerate or postpone the Periods or any one of the Periods for the Declaration of a Dividend and the making up and auditing of the Accounts for that Purpose.

No Action to be brought for Dividends; but the Remedy to be by Application to the Court. 12 & 13 Vict. c. 106. s. 190.

CCXCI. No Action for any Dividend shall be brought against any Creditors Assignee by any Creditor who shall have proved under the Bankruptcy; but if the Creditors Assignee shall refuse to pay any such Dividend, the Court may order Payment thereof, with Interest for the Time that it shall have been withheld, and may also order the Costs of the Application personally against such Creditors Assignee or otherwise as the Court shall judge fit. 10

*Of the Discharge of the Creditors Assignee.*

And with respect to the Discharge of the Creditors Assignee, be it enacted as follows:

Creditors to pass a Resolution on the Conduct of the Creditors Assignee, after which the Creditors Assignee may apply to the Court for a Discharge.

CCXCII. After a final Dividend shall have been declared and paid, the Creditors Assignee shall call a Meeting of the Creditors, to consider his Application for a Discharge, and at such Meeting he shall lay before the Creditors his Books and Papers of Accounts, and all the Documents relating to the Bankrupt's Estate, and proper to be laid before the Creditors, for the Purpose of enabling them to consider the Conduct and Management thereof; and the Creditors shall then come to a Resolution expressing their Opinion of the Conduct of the Creditors Assignee; and the Creditors Assignee may thereafter apply to the Court for an Order of Discharge; and the Court shall thereupon take into consideration the Accounts of the Creditors Assignee, and the said Resolution of the Creditors expressing their Opinion of his Conduct, and may hear the Creditors Assignee and any of the Creditors for or against such Order, and may direct such Inquiries and call for such Evidence as the Court may think fit; and the Court shall thereupon make such Order of Discharge, with or without Conditions, or refuse the same, as to the Court shall seem fit, and the Justice of the Case shall require. 30

Effect of Discharge.

CCXCIII. The Order for Discharge shall operate to release the Creditors Assignee from all Claims and Demands, in respect of the Bankruptcy, of the Creditors, or of any Person who might have proved under the Bankruptcy, subject nevertheless to such Conditions, if any, as shall be expressed in such Order of Discharge. 35

Unclaimed Dividends, &c. to be paid into the Bank to the Credit of "The Chief

CCXCIV. Every Creditors Assignee shall, before his Discharge, transmit to the Chief Registrar a List of unclaimed Dividends on the Estate, under his Hand, and shall pay all unclaimed Dividends, and also any undivided Surplus of a Bankrupt's Estate over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt, 40

Bankrupt, into the Bank of England, to the Credit of the Chief Registrar's Account, subject to the Order of the Court of Appeal in Chancery sitting in Bankruptcy, or of any Court acting in prosecution of any Bankruptcy, for the Payment thereof of any Dividend due  
5 to any Creditor.

Registrar's  
Account."  
12 & 13 Vict.  
c. 106. s. 191.

CCXCV. The Chief Registrar shall, on the Application of any Assignee, give to him a Certificate stating the Amount of any Sum of Money which he may be desirous of paying into the Bank of England under the Provisions herein contained, and on the Production of such  
10 last-mentioned Certificate the Governor and Company of the Bank of England shall receive the Sum therein mentioned, and give a Receipt for the same, and shall forthwith carry the same to the Credit of the Chief Registrar's Account; and every such Certificate and Receipt shall be given without Fee or Reward.

Bank of  
England to  
receive from  
Assignee  
and give a  
Receipt for  
any Sum  
mentioned  
in a Certi-  
ficate of the  
Chief  
Registrar.  
12 & 13 Vict.  
c. 106. s. 193.

15 And with respect to Allowances to the Bankrupt, be it enacted as follows:

Of  
Allowances  
to the  
Bankrupt.

CCXCVI. It shall be lawful for the Court from Time to Time to make such Allowance to the Bankrupt out of his Estate until he shall have passed his last Examination as shall appear to the Court to be  
20 necessary for the Support of himself and his Family: Provided always, that no such Allowance shall be made by the Court for any Period after the Adjournment of the last Examination sine die; provided also, that it shall be lawful for the Court, upon the Application of the Creditors Assignee, or of any Creditor of the Bankrupt  
25 who shall have given to the Bankrupt, or left at his last known Place of Abode or Business, *Seven Days* previous Notice of his Intention to make such Application, to revoke such Allowance as may previously have been made to the Bankrupt, either wholly or in part, and either absolutely or upon such Terms as to the Court shall seem fit.

Allowance  
to Bankrupt  
for Main-  
tenance.  
12 & 13 Vict.  
c. 106. s. 194.

30 CCXCVII. It shall be lawful for the Court to make any Bankrupt who shall have obtained his Certificate such Allow-  
ance out of his Estate as to the Court shall seem fit, provided that the same shall not exceed the Rates and Amounts following; that is to say, if the net Produce of the Estate shall pay the  
35 Creditors Five Shillings in the Pound, an Allowance at the Rate of *Three Pounds* per Centum, provided such Allowance shall not exceed Three hundred Pounds; and if such Produce shall pay such Creditors Ten Shillings in the Pound, an Allowance at the Rate of *Five Pounds* per Centum, provided such Allowance shall not  
40 exceed Four hundred Pounds; and if such Produce shall pay such Creditors Twelve Shillings and Sixpence in the Pound, an Allowance at the Rate of *Seven Pounds Ten Shillings* per Centum, provided

Allowance to  
Bankrupt  
out of his  
Estate.  
20 & 21 Vict.  
c. 60. s. 302.



such Allowance shall not exceed Five hundred Pounds; if such Produce shall pay such Creditors Fifteen Shillings in the Pound or upwards, an Allowance at the Rate of *Ten Pounds* per Centum, provided such Allowance shall not exceed Six hundred Pounds.

Allowances  
to be made  
upon Bank-  
rupt's Appli-  
cation, and  
after Notice  
and hearing  
by the Court.

CCXCVIII. Neither of the Allowances herein-before respectively 5  
aforesaid shall be made by the Court to the Bankrupt except upon  
the Application of the Bankrupt, and after he shall have given  
*Seven Days* previous Notice of his intended Application to the Official  
or Creditors Assignee, and to the Inspectors (if any such there be),  
and after the Court shall have heard, for or against such Applica- 10  
tion, the Bankrupt and the Official or Creditors Assignee, and the  
Inspectors, and the Creditors of the Bankrupt, or any of such Persons  
who may be desirous of being so heard, or any other Person whom the  
Justice of the Case may require.

One Partner  
may receive  
Allowance,  
although  
other not  
entitled.  
12 & 13 Vict.  
c. 106. s. 196.

CCXCIX. In all joint Petitions for Adjudication of Bankruptcy 15  
under which any Partner shall have obtained his Certificate, if a  
sufficient Dividend shall have been paid upon the joint Estate and  
upon the separate Estate of such Partner he shall be entitled to  
his Allowance, although the other Partner may not be entitled to  
any Allowance. 20

If Produce  
of Estate pay  
Twenty  
Shillings in  
the Pound,  
and leave  
Surplus,  
such Surplus  
to be paid  
to Bankrupt  
after Pay-  
ment of  
Interest on  
Debts.

CCC. If the Produce of the Estate of any Bankrupt shall be  
sufficient to pay Twenty Shillings in the Pound, and Interest, as  
herein mentioned, and to leave a Surplus, the Court may order  
such Surplus to be paid to such Bankrupt, his Executors, Adminis- 25  
trators, or Assigns; and every such Bankrupt shall be entitled  
to recover the Remainder, if any, of the Debts due to him; but  
such Surplus shall not be paid until all the Creditors who have  
proved shall have received Interest upon their Debts, to be calcu-  
lated and paid at the Rate and in the Order following; viz., all  
Creditors whose Debts are by Law entitled to carry Interest in the 30  
event of a Surplus shall first receive Interest on such Debts at the  
Rate of Interest reserved or by Law payable or proveable thereon, to  
be calculated from the Date of the filing of the Petition for Adjudi-  
cation of Bankruptcy; and after such Interest shall have been  
paid all other Creditors who have proved shall receive Interest on 35  
their Debts from the Date of such Petition at such Rate as the Court  
shall allow, provided it shall not exceed the Rate of *Five Pounds* per  
Centum per Annum.

Excepted  
Articles to  
be allowed to  
a Bankrupt.

CCCI. Every Person who shall be adjudged bankrupt shall be  
entitled to retain, for the Use of himself and his Family, under the 40  
Name of excepted Articles, such Articles of Household Furniture,  
and

and Tools, Implements of Trade, and other like Necessaries as he shall specify and select, not exceeding in the whole the Value of Twenty Pounds; and such excepted Articles shall not be subject to be sold or disposed of in the Bankruptcy, or to be taken in Execution  
 5 at the Suit of any Creditor entitled to prove under the Bankruptcy; and in all Cases there shall be filed with the Proceedings in the Court an Inventory of such excepted Articles, with a Valuation of the same respectively, with a Certificate signed by the Appraiser or other Person making such Valuation, attesting the Truth thereof,  
 10 and stating when and where such Articles were seen and valued; and the reasonable Expenses and Charge of and for such Valuation, when taxed, shall be paid out of the Proceeds of the Estate of the Bankrupt.

Bankruptcy  
Act, 1854,  
s. 25.

CCCII. Except where the Court shall otherwise order, an Inven-  
 15 tory and Valuation of the Remainder of the Bankrupt's Household Furniture, Tools, and Implements of Trade shall be made and delivered to the Official or Creditors Assignee; and where the Bankrupt shall by Writing under his Hand request such Assignee not to dispose of the same, such Household Furniture, Tools, or  
 20 Implements of Trade shall not be disposed of by the Assignee without previous Order of the Court; and the Court may, upon the Application of the Bankrupt, postpone the Removal and Sale of the same for such Time as the Court, in the Exercise of its Discretion, shall think fit, having regard to the probable Value of the other  
 25 Property of the Bankrupt, and may permit and suffer the same to remain in the Use and Occupation of the Bankrupt, upon such Terms and Conditions and with such Security as to the Court may seem proper, so as to protect the same from being made liable to or sold for the Payment of any Rent, Rates, or Taxes which might  
 30 become due thereafter for or on account of any House or Premises wherein such Property may be placed, and from being made liable to be sold for the Payment of any Debt, Claim, or Demand whatsoever by reason of being in the Possession and Occupation of the Bankrupt; and the Court may, at any Time when it shall think it necessary so to  
 35 do, order the same to be taken by the Assignee, and to be sold for the Benefit of the Creditors.

An Inven-  
tory and  
Valuation of  
the Remain-  
der of the  
Bankrupt's  
Household  
Furniture,  
&c. to be  
made, which  
shall not be  
sold without  
the Order of  
the Court.  
Bankruptcy  
Act, 1854,  
s. 26.

CCCIII. If the other Estate and Effects of the Bankrupt shall in the due Administration thereof pay to the Creditors such an Amount of Dividend as shall authorize the Court to make an Order for  
 40 Payment to the Bankrupt of an Allowance in Money out of his Estate, and such Allowance shall be made to him, and the Household Furniture, Tools, and Implements of Trade so contained in the last-mentioned Inventory and Valuation shall not have been sold, the

If the Bank-  
rupt shall be  
entitled to  
any Allow-  
ance, his  
Household  
Furniture,  
&c. to be  
taken in lieu.

Bankruptcy  
Act, 1854.  
s. 27.

Bankrupt shall accept the same at the Valuation so originally put upon the same, or a sufficient Portion thereof, to be selected by him, with the Approbation of the Assignee, as and for his Allowance instead of Money; and such Articles of Household Furniture, Tools, and Implements of Trade so accepted shall be delivered 5 to him, and shall thereupon, without any Deed of Assignment, revert in the Bankrupt as his own Property, and the Assignee shall sell for the Benefit of the Creditors such Portions of such Articles as the Bankrupt shall not be entitled to retain, and such Deduction may be made from his Allowance for any Diminution in Value of 10 such Articles occasioned by his having continued to use them since the Bankruptcy as the Court shall (in case of Difference) think reasonable (to be either paid by the Bankrupt in Money or the Amount thereof in Value retained in Goods).

*Of the  
Certificate of  
Conformity.*

And with respect to the Certificate of Conformity, be it enacted 15 as follows:

Mode of  
obtaining  
Certificate  
of Confor-  
mity.  
12 & 13 Vict.  
c. 106. s. 198.

CCCIV. The Court shall appoint a public Sitting for the Allowance of his Certificate (whereof and of the Purport whereof *Twenty-* one Days Notice shall be given in the London Gazette), and at such Sitting the Bankrupt may be heard for the Allowance of such Cer- 20 tificate, and the Creditors Assignee or any of the Creditors of such Bankrupt may be heard against the Allowance of such Certificate; and if the Court shall be satisfied by the Bankrupt as to his Conformity to the Law of Bankruptcy, and also as to the Rectitude of his Conduct in reference to his pecuniary Transactions and Affairs before 25 as well as after his Bankruptcy, the Court may find such Bankrupt entitled to such Certificate, and allow the same, or, as the Court may think fit, refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Justice of the Case may require.

The Sitting  
for the last  
Examination  
and Certifi-  
cate may be  
the same.

CCCV. The Court shall appoint one and the same Sitting for the 30 Allowance of the Certificate of Conformity and for the last Examination of the Bankrupt, unless it shall, upon Consideration of the Circumstances of any particular Case appear to the Court inexpedient so to do.

No Classifi-  
cation of  
Certificates.

CCCVI. There shall henceforth be no Classification of Certificates, but all Certificates shall be of one and the same Class. 35

Certificate  
to be under  
Hand and  
Seal, and to  
certify the  
Bankrupt's  
Conformity,  
&c.

CCCVII. The Certificate of Conformity shall be in Writing under the Seal of the Court and the Hand of the Commissioner, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that, so far as the Court can judge, there does not appear any Reason to question the Truth or 40 Fulness of such Discovery (and shall be in the Form contained in the Schedule



Schedule AA. to this Act annexed); and Notice of the Allowance of such Certificate shall be advertised in the London Gazette, in such Manner as may be directed by any General Order to be made in pursuance of this Act.

12 & 13 Vict.  
c. 106. s. 199.

- 5 CCCVIII. The Certificate of Conformity shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt at the
- 10 Time of the Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt.

Certificate to discharge Bankrupt from all Debts due by him when he became bankrupt.  
12 & 13 Vict.  
c. 106. s. 200.

- CCCIX. In case any Bankrupt shall, in the Opinion of the Court, have done, committed, or suffered any one or more of the Acts, Matters, and Things by this Act made Felonies or Misdemeanors, for which
- 15 the Person convicted thereof may be imprisoned for any Term not exceeding *Two Years*, the Court shall refuse to grant such Bankrupt a Certificate of Conformity, and shall also refuse to grant him any or any further Protection from Arrest.

Cases in which Certificate is to be refused.

- CCCX. In case any Bankrupt shall in the Opinion of the Court have
- 20 done, committed, or suffered any one or more of the Acts, Matters, or Things by this Act made Misdemeanors, for which the Person convicted thereof may be imprisoned for any Term not exceeding *One Year*, the Court shall suspend the Certificate of Conformity, if the same shall be granted, for a Period not exceeding *Three Years*
- 25 nor less than *One Year*.

When Certificate is to be suspended.

- CCCXI. At any Time within *Six Months* after any Certificate of Conformity shall have been allowed, whether the same shall have been confirmed as herein-after provided or not, and subject to such Order as to Deposit of Costs as may by any General Order to be
- 30 made in pursuance of this Act be directed, any Creditor of the Bankrupt, or any Creditors Assignee, may apply to the Court of Appeal in Chancery sitting in Bankruptcy, that such Certificate may be recalled and delivered up to be cancelled; and such Court may, on good Cause shown, order such Certificate to be recalled and cancelled.

Certificate may be recalled.  
12 & 13 Vict.  
c. 106. s. 203.

- 35 CCCXII. No such Certificate shall be delivered to the Bankrupt until after the Expiration of the Time allowed for entering an Appeal; and if an Appeal be duly entered against the Judgment of the Court for the Allowance of the Certificate, or for the Refusal or the withholding thereof, and Notice thereof be given to the Court in such
- 40 Manner as may by any General Order to be made in pursuance of
- [154.] M 2 this

Certificate not to be delivered to Bankrupt until after Expiration of Time for Appeal, and if

Appeal duly entered Certificate to be further kept by the Court to abide the Judgment of the Court of Appeal.  
12 & 13 Vict.  
c. 106. s. 206.

this Act be directed, the Certificate shall be further kept by the Court, and abide the Judgment thereupon of the Court of Appeal in Chancery sitting in Bankruptcy; and upon any Appeal duly entered and prosecuted relating to the Certificate, or to the Judgment of the Court as to any Offence under this Act charged against the Bankrupt, 5 the said Court of Appeal shall have Power to rescind or vary the Order of the Court below, or to make such other Order thereon as to such Court of Appeal shall seem fit; and upon an Order for the Allowance of any Certificate by the said Court of Appeal, whether with Conditions or not, or after a Suspension thereof by Order of 10 the said Court of Appeal, or not, such Certificate may be allowed and signed by the Court below, or by the Judges of the Court of Appeal.

Allowance of the Certificate, and Refusal or Suspension thereof, except in case of Appeal, to be final and conclusive, unless obtained fraudulently.  
12 & 13 Vict.  
c. 106. s. 207.

CCCXIII. The Allowance of the Certificate by the Court, and any Order for the Refusal or Suspension of the Allowance thereof, 15 except in case of Appeal, shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see good and sufficient Cause to believe that the Allowance of such Certificate, or the Refusal or Suspension thereof, has been obtained on false Evidence, or by reason of an improper Suppression of Evidence, or has 20 otherwise been fraudulently obtained, in any of which Cases it shall and may be lawful for the Court, upon the Application of the Bankrupt or of any Creditor of the Bankrupt, and subject to such Order as to Deposit of a Sum for Costs, and to such Notices to the Bankrupt and to Creditors, by Advertisement or otherwise, as the Court shall 25 think fit, to grant a Rehearing of the Matter, and to rehear the same accordingly; and upon such Rehearing the Court shall make such Order as to the Allowance of the Certificate, or the Refusal or Suspension thereof, as the Justice of the Case may require; in like Manner, upon like Conditions, and having regard to the like Circumstances, 30 so far as the Case will admit, as upon an original Hearing; and in case the Certificate shall have been previously allowed, and upon such Rehearing the Allowance thereof shall not be confirmed, such Certificate, whether the same shall or shall not have been confirmed as herein provided, shall from the Date of the Order made on such 35 Rehearing have no Force or Effect whatsoever, and the same shall be re-called, and be delivered up to the Court and cancelled: Provided, that in the meantime and until such Recall of the Certificate, or any Reversal or Modification of any Order for the Refusal or Suspension of the Allowance of such Certificate, the Allowance of such Certi- 40 ficate, and such Order for the Refusal or Suspension of the Allowance thereof as aforesaid, shall be to all Intents and Purposes good and valid, and such Recall of such Certificate or Reversal or Modification of such Order respectively shall not be taken to relate back so as to prejudice

Proviso that Order on Rehearing not to relate back.

prejudice or affect any Person not having Notice that the same respectively had been obtained on false Evidence, or by reason of an improper Suppression of Evidence, or had otherwise been fraudulently obtained, in respect of any bona fide Transaction or Right  
5 which may in the meantime have taken place or arisen by reason of such Certificate having been allowed, or such Order for the Refusal or Suspension thereof having been made or otherwise in respect thereof.

CCCXIV. Any Contract or Security made or given by any  
10 Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to forbear opposing or to consent to the Allowance of the Bankrupt's Certificate, or to forbear to petition for the Recal of the same, shall be deemed and  
15 taken to have been made or given for an illegal Consideration, and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the special Matter in Evidence.

Consideration given to induce Creditor to forbear Opposition illegal.  
12 & 13 Vict. c. 106. s. 202. and see 5 & 6 W. 4. c. 41. s. 1.

CCCXV. No Bankrupt, after his Certificate shall have been allowed, shall be liable to pay or satisfy any Debt, Claim, or  
20 Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the filing of the Petition for Adjudication of Bankruptcy; and if any Bankrupt be sued upon any such Contract, Promise, or Agreement, he may  
25 plead the General Issue, and give this Act and the special Matter in Evidence.

Bankrupt not liable upon any Promise to pay Debt discharged by endorsed Certificate.  
12 & 13 Vict. c. 106. s. 204.

CCCXVI. Any Bankrupt who after his Certificate is allowed shall be arrested, or shall have any Action brought against him for any Debt, Claim, or Demand provable under his Bankruptcy,  
30 shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has  
35 been obtained before the Allowance of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt's producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt, without exacting any  
40 Fee, and such Officer shall be hereby indemnified for so doing.

Bankrupt having obtained his Certificate, free from Arrest.  
12 & 13 Vict. c. 106. s. 205.  
Bankrupt in Execution may be discharged.

CCCXVII. Every Certificate of Conformity allowed by any Commissioner before the *Eleventh Day of October One thousand eight*  
[154.] M 3 hundred Certificate allowed before



11th October 1849, and not confirmed, to be valid.  
12 & 13 Vict.  
c. 106. s. 199.

*hundred and forty-nine*, though not confirmed according to the Laws in force before that Time, shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made provable under the Fiat.

*Of Estates Tail.*

And with respect to Estates Tail and Base Fees, be it enacted as follows :

Clauses in 3 & 4 W. 4. c. 74., with respect to Disposition of Estates Tail under Bankruptcies, extended to Proceedings under Petition for Adjudication.  
12 & 13 Vict.  
c. 106. s. 208.

CCCXVIII. Such of the Clauses of the Act of the Session of Parliament of the Fourth Year of the Reign of King William the Fourth, Chapter Seventy-four, as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers LVI, LVII, LVIII, LIX, LX, LXI, LXII, LXIII, LXIV, LXV, LXVI, LXVII, LXVIII, LXIX, LXXI, LXXII, LXXIII, shall extend and apply to Proceedings in Bankruptcy under a Petition for Adjudication of Bankruptcy, as fully and effectually as if those Clauses were re-enacted in this Act, and expressly extended to such Proceedings.

15

*Of Copyholds.*

Court may make Sale of Copyhold Lands, for the Benefit of Creditors.  
12 & 13 Vict.  
c. 106. s. 209.

And with respect to Copyholds, be it enacted as follows :

CCCXIX. The Court shall have Power to sell, and by Deed indented, and enrolled in the Courts of the Manor or Manors whereof the Lands respectively may be holden, to convey, for the Benefit of the Creditors, any Copyhold or Customaryhold Lands, or any Interest to which any Bankrupt is entitled therein, and thereby to entitle or authorize any Person or Persons on behalf of the Court of Bankruptcy to surrender the same, for the Purpose of any Purchaser being admitted thereto.

20

Vendees of Copyhold Lands shall compound with the Lord for their Fines.  
12 & 13 Vict.  
c. 106. s. 210.

CCCXX. Every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copyhold or Customary Lands or Tenements, for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

30

35

And with respect to Persons of unsound Mind, be it enacted as follows :

Mode of proceeding with Prisoners of

CCCXXI. If any Person being a Prisoner in any Prison, who, but for his Unsoundness of Mind, might have presented a Petition for Adjudication of Bankruptcy under this Act, shall be or become of unsound Mind,

40

Mind, and therefore incapable of presenting such Petition and taking the Benefits given by this Act in such Manner as he might have done if of sound Mind, the Gaoler or Keeper of such Prison shall forthwith require a Justice or Justices of the Peace for the County, Riding, 5 Division, or Place wherein such Prisoner shall be to attend at the said Prison, and inquire into the State of Mind of such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means, that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, 10 and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of presenting such Petition and 15 of taking the Benefit given by this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the Court; and thereupon it shall be lawful for the said Court, at the Instance of any Person or Persons on behalf of such Prisoner, to order Notice to be inserted in the London Gazette, and in Two or more 20 public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he was committed to such Prison, as the said Court shall see fit, that Application will be made to the said Court for Adjudication of Bankruptcy against such Prisoner on a 25 Day to be specified in such Order and Notice, being *Twenty-one* Days at least from the Day of Publication of such one of the said Gazette and Newspapers containing such Notice as shall be last published; which Notice, together with the Service of the like Notice on the Person at whose Suit such Prisoner shall be detained 30 in Custody, or his Attorney in such Suit, shall be deemed sufficient to authorize the said Court to proceed to adjudicate such Prisoner bankrupt, if otherwise entitled to be so adjudicated, according to the true Intent and Meaning of this Act; and the said Court shall proceed accordingly, and shall adjudicate such Prisoner bankrupt, and 35 discharge him from Custody, and do all other Acts under this Act, in case it shall appear that such Prisoner might have been adjudicated bankrupt under this Act if he had been of sound Mind; and thereupon all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, 40 if such Prisoner was of sound Mind, could or ought to be vested in the Official Assignee, pursuant to the Provisions of this Act, shall, by force and virtue of the Adjudication of Bankruptcy against such Prisoner, be vested in the Official Assignee to be appointed by the Court, as fully and effectually, and in the same Manner, and with all

unsound  
Mind.  
1 & 2 Vict.  
c. 110. s. 102.

Application  
may be made  
by Persons  
on behalf  
of such  
Prisoner.

Court may  
adjudicate  
such Pri-  
soner bank-  
rupt.

and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind.

Proceedings  
to be as in  
Bankruptcy.

CCCCXXII. All Proceedings in the Bankruptcy of such Prisoner of unsound Mind shall be had and carried on in the same Manner and with the like Effect as if such Prisoner had been of sound Mind, and had presented a Petition to the Court for Adjudication of Bankruptcy, or as near thereto as the Difference of Circumstances will permit.

*Of Arrangements under the Superintendence of the Court.*

And with respect to Arrangements between Debtors and their Creditors under the Superintendence of the Court, be it enacted as follows :

Any Trader  
unable to  
meet his En-  
gagements  
with his  
Creditors  
may petition  
the County  
Court for  
Protection.  
12 & 13 Vict.  
c. 106. s. 211.

CCCCXXIII. Any Debtor unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence of the Court, and of submitting himself to the Jurisdiction of the Court, in manner herein after mentioned, may present a Petition to the County Court, setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from all Process until further Order ; and the Court, on such Petition, shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and if the Petitioner be in Prison or in Custody for Debt, may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which such Petitioner is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, or by reason of any Decree or Order made on any Petition under the Act of the Session of Parliament of the Twentieth and Twenty-first Years of Her present Majesty, Chapter Eighty-five, claiming Damages from the Bankrupt on the Ground of his having committed Adultery: Provided also, that such Release shall in  
nowise



nowise affect any Rights of the Creditor at whose Suit such Petitioner may be in Prison or in Custody against such Petitioner, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court.

- 5 CCCXXIV. Every such Petition shall be in the Form contained in the Schedule BB. to this Act annexed, and be filed and prosecuted in the County Court within the District of which the Petitioner has been residing or carrying on Business for Six Months before the filing such Petition, and the Date of filing every such  
 10 Petition shall be endorsed thereon, and there shall be filed therewith an Affidavit in the Form contained in the Schedule CC. to this Act annexed.

Petition to be supported by Affidavit. 12 & 13 Vict. c. 106. s. 212.

- CCCXXV. Notice of the filing of every such Petition shall be given in the London Gazette within *Seven Days* after the same  
 15 shall have been filed.

Notice to be given in the Gazette.

- CCCXXVI. Forthwith after the granting of any Order for Protection, the Court shall appoint a Sitting to be held at such Time and Place as it may name, at which Sitting the Judge shall preside; and the Court shall also forthwith, after the granting of such  
 20 Order for Protection, appoint the Registrar of the County Court to act as Official Assignee in the Matter of such Petition; and all the Estate and Effects of the Petitioner shall immediately from and after the granting of such Order for Protection as aforesaid vest in the Registrar, and shall be possessed and received by such Registrar alone,  
 25 save where it shall be otherwise directed by the Court; and all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Registrar into such Bank, and to such Account and in such Manner, as shall be prescribed by any General Order to be made in pursuance of this Act, or as the Court shall direct;  
 30 and the Court shall have Power to examine on Oath such Petitioner, or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such Sitting or any subsequent Sitting from Time to Time as it shall think fit; and Notice of such Sitting shall be given in the London Gazette, and  
 35 shall also be given in Writing to every Creditor whose Debt shall amount to Twenty Shillings and upwards, not less than *Fourteen Days* before the same is held: Provided that in case the Petition shall thereafter be dismissed it shall be lawful for the Court to make such Order re-vesting the said Estate and Effects in the Petitioner, or his  
 40 Heirs, Executors, Administrators, or Assigns, or otherwise as the Court shall think fit and the Justice of the Case may require.

Court to appoint Sitting and Official Assignee, &c. 12 & 13 Vict. c. 106. s. 213.

Petitioning Debtor to file Account Ten Days before the Day appointed for Sitting, and furnish Registrar with a Copy.  
12 & 13 Vict. c. 106. s. 214.

CCCXXVII. Such Petitioning Debtor shall, *Ten Days* before the Day appointed for the said Sitting of the Court, file in Court, and in such Form as may by any General Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of 5 his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property, of what kind soever, held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Com- 10 promise of such Debts or Engagements, and shall furnish the Registrar with a Copy of such Account.

Proof of Debts.

CCCXXVIII. The Creditors shall prove their Debts against such Petitioning Debtor in the same Manner in all respects as Debts are proved in Bankruptcy, or as near thereto as the Difference of the 15 Circumstances will permit.

At First Sitting, if Three Fifths in Number and Value of Creditors assent to Proposal, Meeting for Confirmation to be appointed.  
12 & 13 Vict. s. 106. s. 215.

CCCXXIX. At the Sitting of the Court appointed in manner herein-before mentioned, or any Adjournment thereof, the Petitioning Debtor shall attend, and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such 20 Sitting, or at any Adjournment thereof, *Three Fifths* in Number and Value of the Creditors shall assent to the Proposal of such Petitioner, or to any Modification thereof, the Court shall appoint another Sitting for the Confirmation of such Proposal or modified Proposal, and such Second Sitting shall be held not earlier than *Fourteen Days* 25 from the First Sitting, and Notice thereof shall be given in the London Gazette, and shall also be given in Writing to every Creditor who was not present by himself or his appointed Agent at such First Sitting, *Seven* clear Days at least before the Day appointed for such Second Sitting. 30

If at Second Sitting Three Fifths in Number and Value of the Creditors agree to accept, Resolution to be binding on all; and Court, if it think the Proposal reasonable and proper to be executed, to approve and confirm the same.

CCCXXX. If at such Second Sitting, or at any Adjournment thereof, *Three Fifths* in Number and Value of the Creditors shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, and the Creditors shall sign the same; and such Resolution or Agreement (subject to such 35 Confirmation as is herein-after mentioned) shall thenceforth be binding and of full Force, as well against such Petitioning Debtor as against all Persons whomsoever whose Debts were provable under the Petition; and the Court, if it shall think the same reasonable and proper to be executed, after hearing such Creditors, by themselves, their 40 Counsel or Attornies, as may desire to be heard either for or against such Resolution or Agreement, shall approve and confirm the same, and cause it to be filed and entered of Record, and shall grant to the Petitioner a Certificate of the filing and entering of Record of such

such Approval and Confirmation, and shall from Time to Time endorse on such Certificate a Protection from Arrest; and such Petitioner shall be free from Arrest at the Suit of any Person whomsoever whose Debt was provable under the Petition; and any  
 5 Officer arresting such Petitioner at the Suit of any such Person, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case.

CCCXXXI. Every such Resolution or Agreement shall nominate  
 10 and appoint the Registrar of the County Court or some other Person to be the Creditors Assignee under the Petition.

CCCXXXII. The Approval and Confirmation of such Resolution or Agreement shall, in respect of all the Estate and Effects of the Petitioning Creditor, have the same Effect and Operation as a  
 15 Certificate of Appointment of a Creditors Assignee under a Bankruptcy; and the same Estate and Effects shall continue or be vested in such Creditors Assignee as fully as if he were an Assignee under any Bankruptcy; and every such Creditors Assignee may sue and be sued as if he were such Assignee; and in the event of the Death, Resignation,  
 20 or Removal of any such Creditors Assignee, another Creditors Assignee shall be appointed in the same or the like Manner as under a Bankruptcy; and the Estate and Effects shall vest in the new Creditors Assignee so appointed in the same Manner as in Bankruptcy.

CCCXXXIII. Such Resolution or Agreement may make such  
 25 Provision for the Inspection of the Proceedings of the Creditors Assignee under the Petition, and for the Management of the Estate, and the Payment of the Dividends, and the auditing of the Accounts, as to the Creditors shall seem fit.

CCCXXXIV. The Creditors Assignees and Registrar under  
 30 such Petition, and any Trustee or other Person appointed by such Resolution or Agreement for the carrying of the same into effect, shall in all respects be subject to the Orders of the Court, in such and the like Manner as if they had been respectively the Official and Creditors Assignees of a Bankrupt's Estate.

CCCXXXV. The Court shall have all such and the like Jurisdiction, Rights, Powers, and Authorities in respect of such Arrangement under its Superintendence as it would have in case of a Bankruptcy, due regard being had to the Terms of the Resolution or Agreement embodying such Arrangement, and shall exercise such of the same  
 40 Jurisdiction, Rights, Powers, and Authorities as shall be requisite for the due carrying into execution of such Arrangement.

CCCXXXVI. Except where otherwise expressly provided by such Resolution or Agreement, every Question, Matter, and Thing arising  
 [154.] N 2 in Bankruptcy.



in respect of the Arrangement and of such Resolution or Agreement shall be decided in such and the like Manner as it would have been decided had it arisen under a Bankruptcy, and the Proceedings under such Arrangement and Resolution or Agreement shall be similar to the Proceedings under a Bankruptcy, due regard being had to the 5 Terms of such Resolution or Agreement, and to the necessary Difference between an Arrangement under the Superintendence of the Court and a Bankruptcy.

If any Difficulty arise in the Execution of Resolution, &c., a Special Sitting may be held.  
12 & 13 Vict.  
c. 106. s. 220.

CCCXXXVII. In case any Difficulty shall arise in the Execution of the said Resolution or Agreement it shall be lawful for the Court to 10 cause a Special Sitting of the Court to be held, of which Notice shall be given in the Manner herein provided in respect of the first Sitting under the Petition; and the Resolution of *Three Fifths* in Number and Value of the Creditors at such Sitting to confirm, alter, or annul the whole or any Part of such Resolution or Agree- 15 ment shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if *One Third* in Number and Value of the Creditors of such Petitioning Debtor do not attend such Sitting, the Resolution thereof shall not be valid unless the same is approved and confirmed by the Court. 20

Certificate in Nature of a Certificate of Conformity.  
12 & 13 Vict.  
c. 106. s. 221.

CCCXXXVIII. So soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Debtor shall have been satisfied according to the Tenor thereof, it shall be lawful for such Petitioner to apply to the Court for a Certificate in the Nature of a Certificate of Conformity under a 25 Bankruptcy.

Court to hear Parties for and against the Certificate.

CCCXXXIX. The Court may hear such Petitioning Debtor for Allowance to him of such Certificate, and the Creditors Assignee, Trustees, or Persons appointed by the Resolution or Agreement for the carrying of the same into effect, and also any of the Creditors of 30 such Debtor, against the Allowance of such Certificate; and if the Court shall be satisfied by such Petitioning Debtor that the said Resolution or Agreement has been fully carried into effect, and of his Conformity to the Provisions of this Act, and of the Rectitude of his Conduct in his pecuniary Transactions and Affairs before as 35 well as after the filing of his Petition, the Court may find such Petitioner entitled to such Certificate, and allow the same, or, as the Court may think fit, refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Court may think fit and the Justice of the Case may require. 40

Court to determine on the same

CCCXL. In determining upon such Application for a Certificate by such Petitioning Debtor the Court shall proceed upon such and the

the same Principles as regulate the Court in deciding in respect of Certificates of Conformity to Bankrupts, or as near thereto as may be.

Principles as in Bankruptcy.

CCCXLI. Such Certificate shall be under the Hand and Seal of the Judge in the Form contained in the Schedule DD. to this Act annexed, and shall operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy.

Form and Operation of Certificate.

CCCXLII. An Order for Discharge of the Creditors Assignee under a Petition for Arrangement may be made by the Court in such and the like Manner and with such and the like Effect as is herein provided in respect of a Creditors Assignee under a Bankruptcy.

Order for Discharge of Creditors Assignee.

CCCXLIII. Any Meeting held as aforesaid shall be either public or private, as the Court shall direct.

Meeting to be either public or private.

And with respect to Arrangements by Deed after Adjudication of Bankruptcy, be it enacted as follows:

Of Arrangements after Adjudication of Bankruptcy.

CCCXLIV. At any Meeting of Creditors held under any Bankruptcy, or at any Special Meeting of Creditors to be called for the Purpose, a Majority in Number and *Four Fifths* in Value of the Creditors at such Meeting may come to a Resolution that the Estate ought to be wound up under a Deed of Arrangement embodying and carrying into effect the Terms to be stated in such Resolution, and that an Application shall be made to the Court to stay the Proceedings in Bankruptcy for a Period not exceeding *Two Months*; provided that *Twenty-one* Days previous Notice of such Meeting and of the Intention to propose thereat a Resolution for the winding up of the Estate under a Deed of Arrangement, shall be given in the London Gazette, and to each of the Creditors who has then proved under the Bankruptcy; provided also, that in case no Creditors Assignee shall have been appointed at the Time of passing such Resolution it shall not be necessary to make any such Appointment.

Creditors may resolve that Estate ought to be wound up under a Deed. 19 & 20 Vict. c. 79. s. 35.

CCCXLV. It shall be lawful for the Bankrupt, or any Person appointed by the Meeting, to produce such Resolution to the Court at any Time within *Four Days* from the Date of such Resolution, and to apply for a Stay of all Proceedings in the said Bankruptcy upon the Terms of the said Resolution, and it shall be lawful for the Court, after having heard upon such Application any Creditor, or any other Person whom the Justice of the Case may require, to make such Order thereupon as to the Court shall seem fit.

Court may stay Proceedings in the Bankruptcy. 19 & 20 Vict. c. 79. s. 36.

Interim  
Manage-  
ment of the  
Estate.  
19 & 20 Vict.  
c. 79. s. 37.

CCCXLVI. In the event of the Application being granted, it shall be lawful for the Court, by the Order made thereupon, or by any subsequent Order to be made upon the Application of the Bankrupt or any Creditor, to make such Arrangement for the interim Management of the Estate as the Court shall think reasonable.

5

Confirmation  
of Deed by  
the Court.  
19 & 20 Vict.  
c. 79. s. 38.

CCCXLVII. In the event of such Application being granted, it shall be lawful for the Bankrupt or his Creditors, or any of them, to produce to the Court, within the Period during which Proceedings in the Bankruptcy were stayed, a Deed of Arrangement, subscribed by a Majority in Number and *Four Fifths* in Value of the Creditors of the Bankrupt, and to apply for a Confirmation thereof by the Court, and the Court shall thereupon hear the Bankrupt and any of the Creditors, or any other Person whom the Justice of the Case may require, and call for any Evidence or make any Inquiry which to the Court shall seem fit, and it shall be lawful for the Court thereupon to declare that such Deed of Arrangement has been duly entered into, and that it embodies and carries into effect the Terms stated in the Resolution, and to confirm such Deed, and to declare the Bankruptcy at an end, or to make such other Order as to the Court shall seem fit; and in case such Deed of Arrangement shall be so confirmed by the Court it shall thereafter be as binding upon all the Creditors of the Bankrupt as if they had all executed the same.

10

15

20

Memoran-  
dum of Order  
to be en-  
dorsed on  
the Deed.

CCCXLVIII. Whenever any Order shall be made by the Court upon such Application as last aforesaid, a Memorandum thereof under the Hand of the Commissioner making such Order shall be endorsed upon the Deed of Arrangement in respect whereof such Order was made.

25

Where Deed  
not con-  
firmed Bank-  
ruptcy to  
proceed.  
19 & 20 Vict.  
c. 79. s. 39.

CCCLIX. If such Resolution be not duly produced to the Court, or if the Application for a Stay of Proceedings thereupon be refused, or if such Deed of Arrangement be not duly produced, or if it be not confirmed by the Court, the Bankruptcy shall proceed, and the Court may make all necessary Orders for resuming the Proceedings therein; provided that the Time intervening between the Date of such Resolution and the Order of the Court refusing to stay Proceedings or to confirm the Deed, on the Expiration of the *Four Days* or the *Two Months* herein-before respectively mentioned (as the Case may be), shall not be reckoned in calculating Periods of Time prescribed by this Act: Provided also, that it shall not be lawful for the Creditors to come to a Second Resolution that the Estate ought to be wound up upon the very same Terms as those stated in such First Resolution.

30

35

40

CCCL. In



CCCL. In every such Deed of Arrangement it shall be declared that the said Deed shall be registered in the Court of Bankruptcy by which the Adjudication was made, or in some County Court to be specified in the Resolution carried into effect by such Deed, and also set forth in the Deed itself (as the Case may be), and every such Deed of Arrangement shall be registered accordingly.

Deed to be registered.

And with respect to Composition after Adjudication of Bankruptcy, be it enacted :

Composition after Bankruptcy.

CCCLI. Any Bankrupt, at any Time after he shall have passed his last Examination, may call a Meeting of his Creditors (whereof, and of the Purport whereof, *Twenty-one* Days previous Notice shall be given in the London Gazette, and to each of the Creditors who has then proved under the Bankruptcy), and if the Bankrupt or his Friends shall make an Offer of Composition; and a Majority in Number and *Four Fifths* in Value of the Creditors assembled at such Meeting shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid, and if at such Second Meeting a Majority in Number and *Four Fifths* in Value of the Creditors shall also agree to accept such Offer, the Court shall and may, upon such Acceptance being testified by them in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy, and dismiss the Petition for Adjudication, and every Creditor of such Bankrupt shall be bound to accept of such Composition so agreed to.

If after Adjudication a Majority in Number and Four Fifths in Value of Creditors accept Composition, the same shall bind the rest.  
12 & 13 Vict. c. 106. s. 230.

CCCLII. If any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

Higher Compensation payable to any Creditors for assenting rendered void.  
12 & 13 Vict. c. 106. s. 231.

And with respect to Arrangements by Deed or Memorandum rendered obligatory on Creditors who shall not have signed the same, be it enacted as follows :

Of Arrangements by Deed rendered obligatory on Creditors not signing the same.

CCCLIII. Every Deed or Memorandum of Arrangement now or hereafter entered into between any Debtor and his Creditors providing for the Distribution amongst his Creditors of the whole or some Part of his Estate and Effects, and purporting to contain a Release to such Debtor from his Debts and Liabilities, or a Covenant not to sue such Debtor in respect of such Debts and Liabilities, and also containing

Deed of Arrangement entered into between any Debtor and

his Creditors, and executed by a Majority in Number and Four Fifths in Value of the Creditors to be binding on all.  
Tetley v. Taylor,  
1 Ell & Bl.  
534.

Stipulations relating to the Acceptance of a Composition in full Discharge of his Debts and Liabilities, and the Distribution, Inspection, carrying on, Conduct, Management, and Mode of winding up his Estate and Trade or Business, or any of such Matters, or any Matters having reference thereto, and signed by a Majority in Number and Four Fifths in Value of the Creditors, shall (subject to the Conditions herein-after mentioned) be as effectual and obligatory in all respects upon all the Creditors who shall not have signed such Deed or Memorandum of Arrangement as if they had duly signed the same; and such Deed or Memorandum, when so signed, shall not be or be liable to be disturbed or impeached by reason of any prior or subsequent Act of Bankruptcy: Provided, that in case Provision shall be made by such Deed or Memorandum of Arrangement for the Payment in full of those Creditors whose Debts shall not exceed a certain Amount, such Creditors shall be excluded from the Computation of the Creditors, of whom a Majority in Number and *Four Fifths* in Value are required to sign such Deed or Memorandum as aforesaid.

Deed or Memorandum to be registered.

CCCLIV. Every such Deed or Memorandum, when so signed as herein-before provided, shall be registered in the Court of Bankruptcy or the County Court within the District whereof respectively the Debtor is residing or carrying on Business at the Time of his Suspension of Payment (as shall be specified and provided in such Deed or Memorandum), and shall be open to the Inspection of the Creditors, of the Debtor, and all other Persons, in such Manner in all respects as shall be directed by any General Order to be made in pursuance of this Act.

Notice to be given in the Gazette.

CCCLV. Notice of such Deed or Memorandum of Arrangement as aforesaid shall be given in the London Gazette within *Seven Days* after the same shall have been registered as aforesaid.

Trustee or Inspector, &c. to certify as to proper Number of Creditors having signed, which Certificate shall be filed, &c.  
12 & 13 Vict.  
c. 106. s. 226.

CCCLVI. When the Trustee or Inspector under any such Deed or Memorandum of Arrangement, or, if there shall be no such Trustee or Inspector, when any Two of the Creditors, shall be satisfied that a Majority in Number and *Four Fifths* in Value of the Creditors have signed such Deed or Memorandum, it shall be lawful for such Trustee or Inspector, or for such Two Creditors, as the Case may be, to certify the same to the Court in Writing, and such Certificate shall be filed with the Registrar of the Court, who shall endorse thereon the Date of such filing, of which Certificate and the filing thereof Notice shall be given in the London Gazette within *Seven Days* after such filing thereof as aforesaid.

CCCLVII. The

CCCLVII. The Court may, upon an Application to that Effect, to be made within *One Month* next after the filing of such Certificate, order such Certificate to be cancelled.

Certificate may be cancelled by the Court.

CCCLVIII. Every such Certificate as last aforesaid shall set forth, by way of Schedule or otherwise, a full Account of the Debts of such Debtor, together with the Names, Residences, and Occupations of his Creditors, and shall certify that the Person signing such Certificate has examined such Account, and made Inquiries for the Purpose of ascertaining the Correctness thereof, and that the same Account is to the best of his Knowledge, Information, and Belief full, true, and correct, and such Certificate shall be accompanied by an Affidavit of such Debtor verifying such Account.

Account of Debts, &c. to be annexed to such Certificate, and to be verified by Affidavit of Arranging Debtor. 12 & 13 Vict. c. 106. s. 227.

CCCLIX. Any Omission in such Account, or the Insertion therein of any Debt not really existing or of any larger Amount of Debt than that really existing, and which shall appear to the Court to have been made through the culpable Negligence or Fraud of such Debtor, with Intent to defraud any of his Creditors, shall deprive him of the Benefit of the Provisions of this Act with respect to Arrangements by Deed, and of the Discharge proposed in any such Deed or Memorandum of Arrangement: Provided always, that any Omission, Insertion, or Incorrectness in such Account which shall not have been made through such culpable Negligence or Fraud as aforesaid shall not defeat or otherwise affect such Deed or Memorandum of Arrangement.

Fraudulent Mis-statement by Debtor to deprive him of the Benefit of the Arrangement. 12 & 13 Vict. c. 106. s. 227.

CCCLX. Except as otherwise provided by this Act, or by such Deed or Memorandum of Arrangement, the Creditors of every such Debtor shall have the same Rights respectively as to Set-off, mutual Credit, Lien, and Priority, and all Assets (including therein, in Cases of Partnership, joint and separate Assets) shall be distributed in like Manner as in Bankruptcy; and no Creditor shall be prejudiced or affected by being a Party to any such Deed or Memorandum of Arrangement as aforesaid, or by the same being obligatory upon him as to his Right or Remedy against any Person other than such Debtor; and every Person who would be entitled to prove in Bankruptcy shall be deemed a Creditor within the Meaning of the Provisions of this Act with respect to Arrangements by Deed or Memorandum.

Creditors to have the same Rights as in Bankruptcy, and not to be prejudiced with respect to their Rights against Third Persons. 12 & 13 Vict. c. 106. s. 228. Tetley v. Taylor, 1 Ell. and Bl. 534.

And with respect to Arrangements by Deed or Memorandum not rendered obligatory on Creditors who shall not have signed the same, be it enacted as follows:

Of Arrangements not rendered obligatory on Creditors not signing.

CCCLXI. Whenever any Deed or Memorandum of Arrangement is entered into between any Debtor and all or any of his Creditors, providing for the Distribution amongst all or some of his Creditors of

Any Deed or Memo-



random of  
Arrange-  
ment may be  
registered.

the whole or some Part of his Estate and Effects, and purporting to contain a Release to such Debtor from his Debts and Liabilities, or some of them, or a Covenant not to sue such Debtor in respect of such Debts and Liabilities, or some of them, and also containing Stipulations relating to the Acceptance of a Composition in full Dis- 5  
charge of his Debts and Liabilities, or some of them, and the Distribution, Inspection, carrying on, Conduct, Management, and Mode of winding up his Estate, Trade or Business, or any of such Matters, or any Matters having reference thereto, it shall be lawful for such Debtor, or for any Creditor of such Debtor, whether he have or have 10  
not signed such Deed or Memorandum, or be or be not a Party thereto, to cause the same to be registered with the Registrar of the Court of Bankruptcy or of the County Court respectively within the District whereof respectively the Debtor shall have been residing or carrying on Business at the Time of the Execution of such Deed. 15

Power of the  
Court to  
compel Re-  
gistration.

CCCLXII. In case the Person having the Custody or Care of such Deed or Memorandum of Arrangement shall refuse to allow the same to be registered when thereunto required by the Debtor or any of his Creditors, it shall be lawful for the Court of Bankruptcy or County Court in which the Registration is intended to be made, upon the 20  
summary Application of such Debtor or Creditor, to issue a Warrant directed to such Person or Persons as the Court shall think fit, whereby such Person or Persons shall have Authority to search for and seize such Deed or Memorandum of Arrangement, and to distrain the Person having the Custody or Care of such Deed or Memorandum 25  
by all his Lands and Chattels till he render such Deed or Memorandum, and to cause the same to be registered with the Registrar of the said Court; and such Warrant shall be in the Form given in the Schedule EE. to this Act annexed.

See 17 & 18  
Vict. c. 125.  
s. 78.

Person may  
be appointed  
to attend  
Meetings  
held under  
the Ar-  
rangement.

CCCLXIII. Upon the Registration of any such Deed or Memo- 30  
randum of Arrangement it shall be lawful for the Court to appoint the Registrar, or some other Officer of the Court not being an Official Assignee, to attend all Meetings of the Creditors held under such Deed, of which Meetings due Notice shall be given to such Person; and such Person shall take Notes of the Proceedings of such Meet- 35  
ings, and shall lay the same before the Commissioner or Judge of the Court (as the Case may be), who shall peruse the same, but such Person shall take no Part in such Meeting.

Of Arrange-  
ments by  
Deed or Me-  
morandum  
in general.

And with respect to all Arrangements by Deed or Memorandum, whether or not rendered obligatory on Creditors who shall not 40  
have signed the same, and whether or not after Adjudication of Bankruptcy, be it enacted as follows:

Court may  
summon and  
examine

CCCLXIV. The Court in which any Deed or Memorandum of Arrangement (whether such Deed or Memorandum be or be not rendered

rendered obligatory on Creditors who shall not have signed the same, and whether or not entered into after Adjudication of Bankruptcy,) is registered may, upon its own proper Motion, or upon the Application of any Trustee or Inspector appointed by such Deed or Memorandum, or of any Creditor of the Debtor, (whether such Creditor have or have not signed such Deed or Memorandum, or be or be not a Party thereto, or whether such Deed or Memorandum be or be not obligatory upon him,) call before it the Debtor, and examine him in respect of any of his Dealings, Transactions, or pecuniary Affairs, and may also call before it and examine as Witnesses any other Person or Persons, or direct any Inquiry into the Dealings, Transactions, or pecuniary Affairs of the Debtor, or the Rectitude of his Conduct therein, either before or after his entering into such Deed or Memorandum of Arrangement, or into the Mode in which such Deed or Memorandum has been carried into effect.

Debtor and other Persons.

CCCLXV. If any Creditor of any Debtor (whether he have or have not signed such Deed or Memorandum of Arrangement, and whether he be or be not a Party thereto, and whether such Deed or Memorandum be or be not obligatory upon him,) shall be desirous to show that the Administration of the Estate of such Debtor has not been duly conducted in conformity with such Deed or Memorandum of Arrangement, it shall be lawful for him to apply to the Court in a summary Manner in that Behalf, and thereupon the Court shall have full Power and it is hereby fully authorized to consider the Subject Matter of such Application, and if it shall think fit may direct any Inquiry, and in such Manner as it shall think proper, into the Subject of such Application, and generally may make such Order and exercise such Jurisdiction in or over the Subject Matter of such Application and the Costs thereof as to the said Court shall appear just.

In case of improper Administration any Creditor may apply to the Court.

CCCLXVI. The Court wherein such Deed or Memorandum of Arrangement is registered shall have and exercise all such Jurisdiction, Rights, Powers, and Authorities, in and about the Execution of the Trusts of such Deed or Memorandum, and the specific Performance thereof, and in all other ways and respects, as are now vested in the High Court of Chancery, and shall also have and exercise all such Jurisdiction, Rights, Powers, and Authorities in and about the Protection of the Property of the Debtor, and the Determination of any Dispute, Matter, or Thing arising under or in respect of such Deed or Memorandum of Arrangement, or the Administration of the Debtors Estate, or in or about taxing the Costs, Charges, and Expenses of a Solicitor, Auctioneer, or Accountant, or any other Person, or in or about any other Matter or Thing relating to such Deed or Memorandum, and the Estate and Effects of the Debtor, as the Court

Courts to have Jurisdiction of Courts of Equity and Bankruptcy in respect of such Arrangement.

would or might have or exercise in case the Estate of the Debtor had been administered in Bankruptcy, instead of under a Deed or Memorandum of Arrangement, or as near thereto as the Difference of the Circumstances and Modes of Administration admits of; and such Jurisdictions, Rights, Powers, and Authorities may be exercised upon Petition or summary Application, and subject to such Regulations as may be directed by any General Order to be made in pursuance of Act.

Partial  
Orders may  
be made.  
15 & 16 Vict.  
c. 86. s. 50.

CCCLXVII. The Court shall exercise such Jurisdictions in respect only of the particular Matter or Matters brought before it by the Application to the Court, without requiring the whole of the Questions or Matters which may arise under such Deed or Memorandum to be brought before the Court, or the Trusts thereof to be wholly administered under the Direction of the Court, unless it shall in any particular Case seem to the Court unjust or inexpedient so to do.

Binding  
Declarations  
of Right.  
15 & 16 Vict.  
c. 86. s. 51.

CCCLXVIII. The Court may, in the Exercise of such Jurisdictions, make binding Declarations of Right, without granting consequential Relief.

*Of Distribution of  
Estates of  
deceased  
Debtors.*

Creditors of  
deceased  
Debtors may  
petition the  
Court of  
Bankruptcy  
for Distribution  
of the  
Estate of the  
Deceased.

And with respect to the Distribution of the Estates of deceased Debtors in certain Cases, be it enacted as follows :

CCCLXIX. In any Case in which a deceased Debtor had committed an Act of Bankruptcy within *Three* Months immediately preceding his Decease, or was a Trader at the Time of his Decease, a Petition for the Distribution of the Estate and Effects of such deceased Debtor may be presented to the Court within the District whereof such Debtor resided or carried on Business at the Time of his Decease by any Creditor or Creditors of such deceased Debtor, to such Amount as would be sufficient in the Case of a Creditor or Creditors petitioning for an Adjudication of Bankruptcy; provided that no such Petition shall be presented within *Three* Months after the Decease of such Debtor, except with the Consent in Writing of the Executor or Administrator and Heir and Devisee of such deceased Debtor, or except after *One Month's* Notice given in Writing to such Executor, Administrator, Heir, or Devisee.

Form of  
Petition and  
of Affidavit  
annexed.

CCCLXX. Such Petition shall be in the Form specified in the Schedule FF. to this Act annexed, and shall be verified, at the Time of filing such Petition, by an Affidavit by the Petitioning Creditor or Creditors in the Form specified in the Schedule GG. to this Act annexed.

CCCLXXI. Where



- CCCLXXI. Where a Petition for Distribution of the Estate and Effects of a deceased Debtor is presented as aforesaid by a Creditor or Creditors of such Debtor, the Court shall summon to appear before it the Executor or Administrator, and the Heir and Devisee of such Debtor, unless they have consented to such Petition as aforesaid, or if there be no Executor or Administrator the Next of Kin of such Debtor, on some Day not being sooner than *Fourteen* Days from the Date of the Summons, to show Cause why an Order for Distribution of the Estate and Effects of such deceased Debtor should not be made; and such Summons shall be served personally or at the Dwelling House or respective Dwelling Houses, if known, of such Executor or Administrator or Next of Kin, and Heir and Devisee, or if the same or any of them be not known at the Dwelling House or Place of Business of the Debtor at the Time of his Death; and such Summons shall be also published in the London Gazette, and in such Newspaper as the Court shall think fit, not less than *Fourteen* Days before the Day on which such Executor or Administrator or Next of Kin, and Heir and Devisee, are required to appear as aforesaid.
- CCCLXXII. If, at the Day appointed for Cause to be shown why an Order for Distribution of the Estate and Effects of the deceased Debtor should not be made, Proof be made of the Facts following, that is to say, first, of the Petitioning Creditor's Debt, secondly, of the Decease of the Debtor, thirdly, that such Decease occurred more than *Three* Months before the filing of the Petition, or that the Executor or Administrator and Heir and Devisee of such deceased Debtor have consented to the Petition, fourthly, of an Act of Bankruptcy by such deceased Debtor within *Three* Months immediately preceding his Decease, or that he was a Trader at the Time of his Decease, and if the Executor or Administrator and Heir and Devisee of such deceased Debtor have consented to such Petition, or the Executor or Administrator or Next of Kin and Heir and Devisee of such deceased Debtor appear, but no Cause why such Order for Distribution should not be made be shown by any of such Persons or any other Person interested, or such Executor or Administrator or Next of Kin and Heir and Devisee do not appear in pursuance of such Summons (having no lawful Impediment made known to and proved to the Satisfaction of the Court, and allowed), and Proof be made of the Service and Publication of such Summons as aforesaid, then and in any of such Cases the Court shall declare that the Estate and Effects of such deceased Debtor ought to be sold and distributed for Satisfaction and Payment of his Creditors, and shall accordingly make an Order for Distribution.

Proceedings  
on such a  
Petition,  
and Order  
thereon  
if no Cause  
shown by  
Executors,  
&c.

Proof on  
which Order  
for Distribu-  
tion is to be  
made.

What shall  
be required  
from Persons  
showing  
Cause  
against  
Order for  
Distribution.

CCCLXXXIII. No Executor, Administrator, or Next of Kin, or Heir or Devisee, or other Party interested, shall be deemed to have shown Cause against an Order for Distribution under the Provisions of this Act, unless such Executor, Administrator, Next of Kin, Heir, Devisee, or other Party interested shall make it appear to the Satisfaction of the Court that there is good Reason to believe that the Estate and Effects of the said Debtor available for the Satisfaction of his Creditors are of sufficient Value to pay in full all the Creditors of such Debtor; and where no Probate of the Will or Administration to the Goods, Chattels, and Credits of such Debtor has been granted, or in case, by reason of Death or otherwise, there is no acting Executor or Administrator, Cause shall not be deemed to have been shown as aforesaid, unless the Person showing Cause shall also give an Undertaking in Writing to prove the Will of such deceased Debtor within such Time as the Court shall direct, and to take upon himself the Burden of the Execution thereof, or to procure in due Form of Law, within such Time as the Court shall direct, Letters of Administration of the Goods, Chattels, and Credits of the deceased Debtor at the Time of his Death, or such other Administration as the Case may require; and it shall be lawful for the Court, in case it shall at any Time thereafter appear to such Court that the Party having given such Undertaking has not proceeded with due Diligence and with Effect to fulfil the same, to make an Order for Distribution in like Manner as if no Cause had been shown against the same; and for better enabling the Court to ascertain whether any Party having given such Undertaking has proceeded with due Diligence and with Effect to fulfil the same, the Court may from Time to Time by Summons require such Party to appear and give satisfactory Proof thereof.

Court may  
summon any  
Person whom  
the Justice  
of the Case  
requires.

CCCLXXXIV. It shall be lawful for the Court to summon to appear before it any Person entitled or claiming to be entitled to any Estate or Interest in any Property which belonged to the deceased Debtor, and also any other Person whomsoever whom the Court may think it just or expedient so to summon, and to grant to such Person Liberty to show Cause against the Adjudication or to take part in the whole of the Proceedings for Distribution, or in such Part thereof as the Court shall judge fit and the Justice of the Case shall require.

Executor  
or Adminis-  
trator of  
deceased  
Debtor may  
petition for  
Order for  
Distribution.

CCCLXXXV. It shall be lawful for the Executor or Administrator of any Person who at the Time of his Decease was a Trader, and whose Debts have not been satisfied, to present a Petition to the Court within the District of which such Debtor resided or carried on Business at the Time of his Decease for Distribution of the Estate and Effects of such Trader; and such Petition may be presented at any Time

Time after the Decease of such Person, and shall be in the Form specified in the Schedule HH. to this Act annexed, and verified by Affidavit annexed thereto at the Time of filing the same in the Form specified in the Schedule GG. to this Act annexed; and upon Pre-  
 5 sentation of such Petition, and upon Proof of the Decease of such Person, and of his Trading, and of Debts of such Trader remaining unsatisfied, the Court may declare that the Estate and Effects of such Debtor ought to be sold and distributed for Satisfaction and Payment of his Creditors, and may accordingly make an Order  
 10 for Distribution.

CCCLXXVI. Provided always, That no Order for Distribution shall be made upon any Petition under this Act, in any Case in which Proceedings for the Administration of the Assets of such deceased Debtor shall be depending in a Court of Equity at the  
 15 Time of the filing of such Petition.

No Order to be made where Proceedings are pending for Administration in Equity.

CCCLXXVII. Whenever any such Petition for Distribution has been filed, and it appears to the Satisfaction of the Court that there is probable Cause for believing that the Rights of the Creditors under such Petition, in the event of an Order for Distribution being made by  
 20 the Court, will not be effectually secured without an immediate Seizure of the Property of such deceased Debtor, it shall be lawful for the Court to issue a Warrant directed to such Person as the Court shall think fit, whereby such Person shall have Authority to seize the Books, Papers, Monies, Securities for Money, Goods, and Chattels  
 25 belonging to the said Debtor at the Time of his Death, and left unadministered at the Time of filing such Petition, wheresoever they may be found, and safely keep the same until such Petition shall be dismissed, or until further Order of the Court.

Court may issue Warrant to secure the Property of the Deceased in certain Cases. See Bankrupt Law Consolidation Act, 1849, s. 99.

CCCLXXVIII. Before Order for Distribution, the Court shall have  
 30 Power to summon before it any Person whom such Court shall believe capable of giving any Information concerning any Debt, or the Trading of or any Act of Bankruptcy committed by the deceased Debtor, or any other Matter or Thing necessary to be established in order to such Order for Distribution being made, and also to require such  
 35 Person to produce any Books, Papers, Deeds, Writings, and other Documents in the Custody, Possession, or Power of such Person which may appear to the Court to be necessary to establish such Debt, Trading, or Act of Bankruptcy; and the Court may examine such Person upon Oath, by Word of Mouth or Interrogatories in  
 40 Writing, concerning the Debt, the Trade of or any Act of Bankruptcy committed by such deceased Debtor.

Before Order Court may summon Witnesses to give Evidence of trading, &c.



Power of  
Senior Com-  
missioner to  
give Direc-  
tions as to  
Proceedings  
under Peti-  
tions for  
Distribution.

CCCLXXIX. The Senior Commissioner shall have Power, whenever he may deem it expedient, to order any Petition for Distribution to be prosecuted in any District, with or without Reference to the District in which the deceased Debtor shall have resided or carried on Business, and to consolidate the Proceedings or any Part thereof 5 under Two or more Petitions for Distribution, or under One or more Petitions for Distribution, and One or more Petitions for Adjudication of Bankruptcy, as the Case may require, or to impound any Petition for Distribution, and the Proceedings thereunder, or any Part thereof, upon such Terms as the Senior Com- 10 missioner shall think fit, or to transfer any Petition for Distribution, and the Proceedings thereunder, and the Prosecution or the further Prosecution thereof, from the Court in any one District to the Court in any other District; and the Court to which such Transfer shall be made may remove the Official Assignee, and appoint a new 15 Official Assignee under any such Petition; and any such Order by the Senior Commissioner may be in such of the Forms contained in the Schedules I., J., or K. to this Act annexed, as may be adapted to the Case, or to the like Effect.

Petition by  
Copartner-  
ship.

CCCLXXX. A Petition for the Distribution of the Estate of a 20 deceased Debtor to any Copartnership duly authorized to sue and be sued in the Name of a Public Officer of such Copartnership may be filed by such Public Officer as nominal Petitioner for and on behalf of such Copartnership.

If Order  
for Distribu-  
tion not made  
within Three  
Months,  
Petition to  
be dismissed.

CCCLXXXI. Every Petition for Distribution under the Provi- 25 sions of this Act, and upon which an Order for Distribution shall not be made within *Three* Months after the filing of such Petition, shall be dismissed by the Court in the Form specified in the Schedule II. to this Act annexed.

Notice of  
Order for  
Distribu-  
tion, and of  
Sittings.

CCCLXXXII. The Court shall forthwith after such Order for 30 Distribution being made cause Notice thereof to be given in the London Gazette, and appoint One or more public Sittings of the Court for the Prosecution of the Petition at such Time or Times as to the Court shall seem fit.

Effect of  
Order for  
Distribu-  
tion, and  
Proceedings  
thereon.

CCCLXXXIII. Upon an Order for Distribution being made, the 35 Court shall have and exercise the same Jurisdiction, Rights, Powers, and Authorities which the Court would or might have had or exercised under a Bankruptcy, so far as the Circumstances of the Case shall permit or require; and the Estate and Effects of the deceased Debtor shall vest, and be taken, disposed of, and divided among the 40 Creditors in like Manner, so far as Circumstances will permit, as if such

such deceased Debtor had been alive at the Date of such Order for Distribution, and had then been duly adjudged bankrupt; and the Petition shall, after such Order for Distribution, be proceeded in and brought to a Conclusion in like Manner as a Petition for Adjudication of Bankruptcy, with the Differences necessarily arising from the Death of the Debtor; and the Provisions and Regulations for the Time being in force relating to Matters of Bankruptcy, and the Prosecution thereof, shall, so far as Circumstances will permit, and except as otherwise herein specially provided, extend and be applicable to a Petition for Distribution, and the Prosecution thereof.

CCCLXXXIV. Provided always, That in any Case in which there is an acting Executor or Administrator of the deceased Debtor, it shall not be obligatory on the Court to appoint an Official Assignee of the Estate and Effects of such Debtor; but the Court may continue such Executor or Administrator in the Possession of the said Estate and Effects upon such Terms and Conditions and in such Manner as shall seem to the Court best for the Interests of the Creditors of such deceased Debtor.

Court need not appoint Official Assignee in certain Cases.

CCCLXXXV. Provided also, That the Executor or Administrators of any deceased Debtor shall in all Cases be entitled to retain or be paid the Expenses incurred in or about the Funeral of the Deceased, and proving his Will, or taking out Letters of Administration to his Estate and Effects, and the Costs properly incurred in or in relation to the Executorship or Administration, in like Manner and with the like Priority as in the Case of an Administration under the Direction of the Court of Chancery.

Priority of Funeral and Testamentary Expenses preserved.

CCCLXXXVI. Provided also, That, save where the Petition for Distribution is presented by a Creditor within *Three Months* after the Decease of the Debtor, in support whereof an Act of Bankruptcy by such Debtor within *Three Months* before his Decease has been proved, such Executor or Administrator shall be entitled to be paid his Costs incurred in the Court out of the Estate in priority over the Creditors of such Debtor, and shall have the like Right of Retainer in respect of any Debt due to himself as against Debts of the same Degree as he would have had in case the Estate of the Deceased had not been administered under this Act, unless the Court shall be of opinion that such Executor or Administrator has not acted bonâ fide.

Certain Savings of Rights of Executor.

CCCLXXXVII. Provided also, That, save where a Petition for Distribution is presented by a Creditor within *Three Months* after the Decease of the Debtor, in support whereof an Act of Bankruptcy

Savings applicable to the Cases where there

is no Proof  
of Act of  
Bankruptcy  
within Three  
Months  
before the  
Debtor's De-  
cease, &c.

by such Debtor within *Three Months* before his Decease has been proved, the Real and Personal Property of the deceased Debtor, and the several Parts thereof respectively, shall be applied in or towards Payment of his Debts, and such Debts shall be paid in the Order and Priority in which the same respectively would be applied 5 and paid in the Case of an Administration under the Direction of the High Court of Chancery; and, save and except as last aforesaid, the Provisions as to Estates Tail and Base Fees, as to Goods and Chattels whereof the Bankrupt is not the true Owner, and as to Conveyances and Leases and Agreements for Conveyances or Leases subject to 10 Rents, and as to Agreements for Purchase, and as to Powers which are respectively contained and referred to in Sections Three hundred and twenty-one, Two hundred and three, Two hundred and thirty-four, Two hundred and thirty-five, and Two hundred and thirty-six of this Act, shall not extend or be applicable to or in the Case of a 15 Petition for Distribution, or the Prosecution thereof.

Saving for  
bonâ fide  
Acts done  
in due Course  
of Adminis-  
tration  
before the  
filing of the  
Petition for  
Order, or  
Notice of the  
Intention to  
file it.

CCCLXXXVIII. Provided also, That all Payments really and bonâ fide made by any deceased Debtor, or his Executor or Administrator, Heir or Devisee, or by any Person on behalf of such deceased Debtor, Executor, Administrator, Heir or Devisee, before the filing of a Peti- 20 tion for Distribution, to any Creditor of such Debtor, and all Payments really and bonâ fide made to any such Debtor, Executor, Administrator, Heir or Devisee, before the filing of such Petition, and all Conveyances and Assignments by any such Debtor, Executor, Administrator, Heir, or Devisee bonâ fide made and executed before the filing 25 of such Petition, and all Contracts, Dealings, and Transactions by and with any such Debtor, Executor, Administrator, Heir, or Devisee, really and bonâ fide made and entered into before the filing of such Petition, and all Executions, Attachments, and Sequestrations against the Lands, Tenements, and Benefices of any such Debtor, his Heir or 30 Devisee, bonâ fide executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any such Debtor bonâ fide executed and levied by Seizure and Sale before the filing of such Petition, shall be deemed to be valid, unless the Person so dealing with or paying to or being paid by such Debtor, Executor, 35 Administrator, Heir, or Devisee, or at whose Suit or on whose Account such Execution, Sequestration, or Attachment shall have issued, had at the Time of such Payment, Conveyance, Assignment, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution, Attachment, or Sequestration, or at 40 the Time of making any Sale thereunder, Notice in Writing by the Party presenting such Petition of his Intention to present the same, and such Petition shall be actually presented within *Fourteen Days* after such Notice: Provided nevertheless, that where



where any Creditor shall have been paid in full, and a Petition for Distribution shall be presented not more than *Three Months* after the Time of such Payment, and under such Petition it shall be found that the Estate and Effects of such Debtor available towards the

- 5 Payment of his Debts are insufficient to pay in full all his Creditors of the same Degree, the Creditor who has been so paid in full shall refund so much as he may have received beyond the proportionate Part to which he would have been entitled in case such Payment in full had not been made; and the Amount so overpaid shall be  
10 deemed a Debt due to the Estate of such deceased Debtor, and may be recovered accordingly.

Creditors paid in full before filing of Petition to refund rateably in case of Deficiency of Assets.

- CCCLXXXIX. An Order for Distribution under this Act shall be a complete Bar to any Proceeding at Law or in Equity by any Creditor of the deceased Debtor against his Real and Personal  
15 Representatives.

Adjudication to be a Bar to Proceedings at Law or in Equity.

- CCCXC. If the Produce of the Estate of a deceased Debtor be sufficient to pay all the Creditors who have proved under a Petition for Distribution Twenty Shillings in the Pound and Interest, and leave a Surplus, such Surplus shall, as between Real and Personal  
20 Representatives, (subject to the due Payment out of the original Funds respectively of their respective Liabilities of the Debts, Interest, and Costs,) retain its original Character of Real or Personal Estate respectively, and the Court shall order such Surplus to be paid to the Heir, Devisee, Executor, Administrator, or Assign of the  
25 deceased Debtor, as the Case may require; and the Executor or Administrator of such deceased Debtor, after the Creditors who have proved under the Petition shall have been paid their Debts and Interest as aforesaid, shall be entitled to recover the Remainder of the Debts due to such Debtor.

Surplus, after Payment of Debts in full, with Interest, to be paid to Representatives of the Deceased.

- 30 CCCXCI. The Court of Bankruptcy shall have and exercise all such and the same Jurisdiction, Rights, Powers, and Authorities for the Purpose of distributing the Estates and Effects of deceased Debtors under such Petitions for that Purpose as aforesaid as shall for the Time being be vested in the High Court of Chancery, and  
35 would be exercised by it in case such Estates and Effects respectively were administered under its Direction, or such of the same as shall be necessary and proper to be had and exercised by the Court of Bankruptcy, due Regard being had to the Provisions herein contained for the Distribution of such Estates and Effects as aforesaid.

Court to have Powers of the Court of Chancery.

- 40 CCCXCII. The Provisions of this Act with respect to Arrangements by Deed after Adjudication of Bankruptcy, and also with respect to Composition after Adjudication of Bankruptcy, shall

Provisions as to Arrangement and Compo-

sition after  
Adjudica-  
tion of Bank-  
ruptcy to  
apply after  
Order for  
Distribu-  
tion.

Provisions  
for Distribu-  
tion not to  
apply to  
London  
District.

extend and apply, with the Differences necessarily arising from the Death of the Debtor, and so far as Circumstances will permit, to Arrangements by Deed and to Compositions after an Order for Distribution.

CCCXCIII. Nothing in this Act contained in relation to the 5 Distribution of the Estates of deceased Debtors shall apply to any Debtor who was not at the Time of his Death residing or carrying on Business in some Country District of the Court of Bankruptcy.

#### Notices.

Notices to  
be sent by  
Post.

And with respect to Notices, be it enacted as follows :

CCCXCIV. All Notices by this Act, or by any General Order 10 to be made in pursuance of it, required to be given or sent to any Person, shall be sent by Post addressed to the last known Place of Business or Abode of such Person, subject to such Regulations as to Registration and otherwise as shall be directed by any General Order to be made in pursuance of this Act; provided that this present 15 Clause shall not apply to or affect Notices by this Act or by any such General Order required to be personally served.

#### Meetings.

Creditors  
Assignee  
or Inspector  
may call  
Meeting of  
Creditors.

And with respect to the calling of Meetings, and Procedure thereat, be it enacted as follows :

CCCXCV. The Creditors Assignee, or any Inspector, with Notice 20 to the Creditors Assignee, may at any Time call a Meeting of the Creditors; and the Creditors Assignee shall call such Meeting when thereunto required by *One Fourth* in Value of the Creditors who have proved their Debts.

Notices  
thereof to be  
given in  
Gazette and  
by Letter.

CCCXCVI. Notice shall be given of all Meetings of Creditors by 25 an Advertisement in the London Gazette, setting forth the Day, Hour, Place, and Purpose of such Meeting, at least *Seven Days* before the Time appointed for such Meeting, and also by a Notice sent to every Creditor who has then proved his Debt, specifying such Particulars as aforesaid, and posted at least *Seven Days* before the Time 30 appointed for such Meeting; provided that it shall be lawful for the Court, upon the Application of the Official Assignee or Creditors Assignee (as the Case may be), and upon sufficient Cause being shown in that Behalf, to direct that a shorter previous Notice of any Meeting shall be given, and such Notice shall thereupon become and 35 be for all Purposes valid and binding.

Proviso that  
the Court  
may shorten  
the previous  
Notice re-  
quired.

Chairman of  
the Meeting.

CCCXCVII. The Proceedings of all Meetings of Creditors shall commence by the Election of a Chairman, who shall cause Minutes of the Proceedings of such Meeting to be taken, and shall sign the same, forward

and forward the same, so signed, to the Commissioner, who shall peruse the same.

CCCXCVIII. All Questions at any Meeting of Creditors shall be determined by a Majority in Value of those present and entitled to vote, unless in the Cases herein otherwise provided for.

Questions to be decided by Majority.

CCCXCIX. Any Creditor who has proved his Debt may, by Writing under his Hand, in the Form contained in the Schedule JJ. to this Act annexed, and attested by One Witness, appoint any other Person to be his Deputy, and to attend any one or more of the Meetings of the Creditors, and to take part therein and vote thereat, and such Person shall be entitled so to do; provided that such Appointment shall have been produced to the Official Assignee or the Creditors Assignee, as the Case may be, at least *Three Days* before the Meeting at which such Person claims to vote, and has been approved by him; provided that the Official Assignee or the Creditors Assignee may call for such Evidence as he may think fit of the Signature of the Creditor to such Authority.

Creditors may appoint Proxies.

CCCC. Every Creditor appearing at any Meeting by Proxy shall for all the Purposes of this Act be considered as being present at such Meeting.

Creditors appearing by Proxy to be considered as present.

And as to the Mode of ascertaining Majorities, be it enacted:

*Majorities.*

CCCCI. In all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised in pursuance of or in carrying into effect this Act, every Creditor shall be accounted such in respect of such Amount only as upon an Account fairly stated between the Parties, after allowing the Value of mortgaged Property and other such available Securities and Liens, shall appear to be the Balance due; and all Disputes arising in such Matters concerning any such Amount shall upon Application duly made in that Behalf be examined into by the said Court, who shall have Power to determine the same: Provided always, that the Amount in respect of which any such Creditor shall vote in any such Matter shall not be conclusive of the Amount of his Debt for any ulterior Purposes, in pursuance of the Provisions of this Act.

Creditors to vote according to Balance due to them, on Account fairly stated. 1 & 2 Vict. c. 110. s. 5.

CCCCII. In all Cases under this Act where there is required any specified Majority or Proportion in Number of the Creditors of any Bankrupt or Insolvent, or any specified Majority or Proportion in Value of such Creditors, no Creditor whose Debt is under Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value.

Creditors under £ to be reckoned in Value, not in Number.

[154.]

P 3

CCCCIII. In



Court may  
make Decla-  
ration of  
such Ma-  
jority having  
acted.

CCCCIII. In all Cases under this Act where there is required any specified Majority or Proportion in Number of the Creditors of any Bankrupt or Insolvent, or any specified Majority or Proportion in Value of such Creditors, it shall be lawful for the Court, by an Order, to make a Declaration that such required Majority or Pro- 5  
portion have done the Act, Matter, or Thing for which such Majority or Proportion is required; and the Court shall previously hear such Evidence, and direct such Inquiries, and hear such Persons for or against such Order, as the Justice of the Case may require.

Registration  
of Deeds  
and

Memoranda.

The Regis-  
trar of  
Bankruptcy  
Court and  
County  
Courts to be  
registering  
Officer.

Registering  
Officer may  
call for Evi-  
dence of the  
Execution  
and Authen-  
ticity of the  
Instrument.

And with respect to the Registration of Deeds or Memoranda of 10  
Arrangement, be it enacted as follows:

CCCCIV. All Deeds or Memoranda of Arrangement registered in any Court of Bankruptcy or County Court shall be registered by the Registrar thereof respectively.

CCCCV. The Registrar required to register any such Deed or 15  
Memorandum may call for such Evidence of the Execution of the Deed or Memorandum, and of its Authenticity, as he may think fit, or as may be directed by any General Order to be made in pursuance of this Act, and in any Case of Difficulty he may apply to the Court for its Direction and Advice. 20

Abstract of  
Instrument  
to be entered  
on the  
Register.

CCCCVI. Every Memorial of any Deed or Memorandum of Ar-  
rangement shall express the Date thereof and Parties thereto, and a  
Summary or Abstract of the Contents of such Deed or Memorandum.

Copy of the  
Memorial or  
Abstract  
thereof to be  
sent to Chief  
Registrar.

CCCCVII. A Copy of such Memorial, or such Abstract thereof :  
as may be directed by any General Order to be made in pursuance 25  
of this Act, shall forthwith after the Registration of such Deed or  
Memorandum be transmitted by the Registrar of the Court in which  
such Registration is made to the Chief Registrar.

Register to  
be open to  
Public.

CCCCVIII. The Memorials of Deeds and Memoranda shall be  
open to the Inspection of all Persons, on the Payment of such Fees 30  
(if any) and subject to such Regulations as shall be directed by any  
General Order to be made in pursuance of this Act.

Fees to be  
paid as  
directed by  
General  
Order.

CCCCIX. Such Fees shall be paid on the Registration of every  
Deed or Memorandum of Arrangement, and every Inspection or  
Search in the Memorials of any Court, as shall be directed by any 35  
such General Order.

And

And with respect to Evidence, be it enacted as follows:

- CCCCX. The proper Officer of the Court in London and in the several Districts in the Country shall, on the reasonable Request of any Bankrupt or Insolvent, or of any Creditor of such Bankrupt or
- 5 Insolvent, or of the Heir, Devisee, Executor, Administrator, or Next of Kin of a deceased Debtor, or on the like Request of the Attorney of any such Bankrupt, Insolvent, Creditor, Heir, Devisee, Executor, Administrator, or Next of Kin, produce and show to such Bankrupt, Insolvent, Creditor, Heir, Devisee, Executor,
- 10 Administrator, or Next of Kin, or Attorney, at such Times as the Court shall direct, every Petition for Adjudication of Bankruptcy, or for Arrangement or Distribution, and every Adjudication, Order, and Proceedings under any Bankruptcy or Insolvency in which such Persons are respectively concerned; and the Court shall order the
- 15 Official or Creditors Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Insolvent, Creditor, Heir, Devisee, Executor, Administrator, or Next of Kin, or Attorney, to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Bankruptcy or Insolvency, and the
- 20 Estate of the Bankrupt or Insolvent in the Possession of the Official or Creditors Assignee, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official or Creditors Assignee or such Officer shall provide for any such Bankrupt, Insolvent, Creditor, Heir, Devisee, Executor, Administrator, or Next of
- 25 Kin, or Attorney, requiring the same, an Office Copy of such Petition, Order, or other Proceeding, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as may be authorized in that Behalf.

Officer of Court to produce Proceedings and give Copies thereof.  
12 & 13 Vict.  
c. 106. s. 232.

- CCCCXI. The London Gazette, containing the Advertisement of
- 30 any Bankruptcy, shall, but subject and without Prejudice to the Right of Appeal to the Court of Appeal in Chancery sitting in Bankruptcy, and to the House of Lords, be conclusive Evidence in all Cases as against the Bankrupt, and in all Actions at Law or Suits or other Proceedings in Equity brought by the Official or Creditors Assignee
- 35 for any Debt or Demand for which such Bankrupt might have sustained any Action or Suit had he not been adjudged bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the Date and filing of the Petition for Adjudication, and that such Petition was filed on the Day on which the same is stated in the Gazette
- 40 to bear Date.

The Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt.  
12 & 13 Vict.  
c. 106. s. 233

- CCCCXII. Any Fiat, Petition for Adjudication of Bankruptcy, or Arrangement or Distribution, Adjudication of Bankruptcy, or Order for Distribution, Assignment, Appointment of Official or Creditors
- [154.]

Proceedings purporting to be sealed with the

Assignee,



Seal of the  
Court re-  
ceivable in  
Evidence.  
12 & 13 Vict.  
c. 106. s. 236.

Assignee, Certificate, Deposition, or other Proceeding or Order in Bankruptcy, or under any of the Provisions of this Act, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, 5 and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of the Court, without any further Proof thereof; and no such 10 Document or Copy shall be receivable in Evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided: Provided always, that all Fiats, and Proceedings under the same, which may have been entered of Record before the passing of the Act of the Session of Parliament of the 15 Second and Third Years of the Reign of His late Majesty King William the Fourth, Chapter One hundred and fourteen, or purporting to have been sealed before the Eleventh Day of October One thousand eight hundred and forty-nine, with the Seal of the Court of Bankruptcy theretofore in use, or a Writing purporting to be a Copy 20 of any such Document, and purporting to have been so sealed, shall and may, upon the Production thereof, and in the Case of any Fiat or Proceedings entered of Record before the passing of the last-mentioned Act, with the Certificate thereon, purporting to be signed by the Person duly authorized to enter Proceedings in Bankruptcy, 25 or by his Deputy, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place, anything herein-before contained notwithstanding.

2 & 3 Will. 4  
c. 114.

Judicial  
Notice to be  
taken of Sig-  
nature of  
Commis-  
sioner or  
Registrar,  
and of the  
Seal of the  
Court.

12 & 13 Vict.  
c. 106. s. 237.

Evidence of  
Declaration  
of Insol-  
vency.

17 & 18 Vict.  
c. 119. s. 19.  
12 & 13 Vict.  
c. 106. s. 238.

CCCCXIII. All Courts, Judges, Justices, and Persons judicially 30 acting, and other Officers, shall take judicial Notice of the Signature of any Commissioner or Registrar of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document to be made or signed under the Provisions of this Act. 35

CCCCXIV. A Copy of a Declaration of Insolvency under this Act filed in the London District, purporting to be certified by the Chief Registrar of the Court or any of his Clerks as a true Copy, shall be received as Evidence of such Declaration having been filed; and a Copy of a Declaration of Insolvency purporting to be certified 40 by a Registrar of a Country District as a true Copy of a Declaration filed in the Court for that District shall be received as Evidence of such Declaration as last aforesaid having been filed.

CCCCXV. A



CCCCXV. A Copy of any Petition filed in any Court for Relief of Insolvent Debtors at Calcutta, Madras, or Bombay, or at the Settlement of Prince of Wales Island, Singapore, and Malacca, and of any Vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Vesting Order, Schedule, Order of Adjudication, or other Order or Proceedings, and appearing to be sealed with the Seal of such Court, shall at all Times be admitted under this Act as sufficient Evidence of the same, and of such Proceedings respectively having taken place, without any other Proof whatever given of the same.

Copy of Petition, &c. under Insolvent Debtors Act in India, &c. to be admitted as Evidence. 12 & 13 Vict. c. 106. s. 239.

CCCCXVI. A Copy of the London Gazette and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement; and all Proceedings or Notices required by this Act to be inserted in the London Gazette shall be marked with the Seal of the Court from which such Proceedings or Notices shall be issued, and certified by One of the Registrars of the said Court.

Advertisements, when Evidence. 12 & 13 Vict. c. 106. s. 240.

CCCCXVII. Every Adjudication of Bankruptcy, Order appointing an Official Assignee, Certificate of Appointment of a Creditors Assignee, and Certificate of Conformity, Certificate in the Nature of a Certificate of Conformity, and also every Order of the Court declaring that a specified Majority or Proportion in Number or Value of the Creditors of any Bankrupt or Insolvent have done the Act, Matter, or Thing for which such Majority or Proportion is required, shall, but subject and without Prejudice to the Right of Appeal to the Court of Appeal in Chancery sitting in Bankruptcy and the House of Lords, under the Provisions of this Act, be binding and conclusive upon and between all Persons whomsoever and in all Courts whatsoever.

Adjudication, Appointment of Assignees, and Certificates, &c. to be conclusive on all Persons.

CCCCXVIII. Every Certificate of a Trustee or Inspector under any Deed or Memorandum of Arrangement rendered obligatory on Creditors who shall not have signed the same, or of any Two of the Creditors, setting forth that a Majority in Number and *Four Fifths* in Value of the Creditors have signed such Deed or Memorandum, shall, but subject and without Prejudice to the Right of applying to the Court to cancel such Certificate, and to the Right of Appeal to the Court of Appeal in Chancery sitting in Bankruptcy and the House of Lords, under the Provisions of this Act, be binding and

Certificate of Trustees &c. under Arrangement to be conclusive, on all Persons.

conclusive upon and between all Persons whomsoever and in all Courts whatsoever.

Provisions of  
6 & 7 Vict.  
c. 85. to be  
applicable to  
any Matter  
in prosecu-  
tion under  
this Act.  
12 & 13 Vict.  
c. 106. s. 241.

CCCCXIX. The Provisions of the Act of the Session of Parliament of the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Eighty-five, shall be applicable to any Matter or Proceeding in prosecution under the Provisions of this Act, and to any Matter, Question, or Inquiry arising in any Court of Law or Equity out of or consequent upon any such Matter or Proceeding. 5

On Death of  
Witness,  
Office Depo-  
sition, or  
Copythereof,  
to be Evi-  
dence.  
12 & 13 Vict.  
c. 106. s. 242.

CCCCXX. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement or Distribution, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof, purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained. 15

Before whom  
Affidavits  
are to be  
sworn.  
12 & 13 Vict.  
c. 106. s. 243.

CCCCXXI. All Affidavits to be made or used in Matters of Bankruptcy, or in any Matter or Proceeding whatever under this Act, shall and may be sworn before the Court, or any Commissioner, Registrar, Master, or Commissioner for administering Oaths in Chancery, or before any Clerk of Affidavits, Assistant Clerk, or Second Assistant Clerk of Affidavits of the High Court of Chancery, or in Scotland or Ireland before such Commissioner for administering Oaths as aforesaid, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate and attested by a Notary, or before a British Minister, Consul, or Vice-Consul; and every such Officer or other Person is hereby authorized and required to administer the Oath upon any such Affidavit. 20 25

Affidavits  
may be  
sworn in  
Prison before  
Visiting Jus-  
tice or  
Keeper of  
Prison.  
12 & 13 Vict.  
c. 106. s. 244.

CCCCXXII. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in England, Ireland, or Scotland, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or if within *Twelve* Hours none such shall attend, then before the principal Keeper or Gaoler of such Prisons or Gaols; and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit. 30 35

Declaration  
may be sub-  
stituted for  
Oath.  
5 & 6 W. 4.  
c. 62.

CCCCXXIII. Wherever in any Matter or Proceedings in Bankruptcy, or under or by virtue of this Act, any Oath, solemn Affirmation, or Affidavit may, or but for this present Clause might, be required to be taken or made by any Person for any Purpose whatsoever, it shall be lawful for the Lord Chancellor, by Order, to substitute a solemn 40

solemn Declaration, to the same Effect as the Oath, solemn Affirmation, or Affidavit which might but for such Order be required to be taken or made; and the Person who might be required to take or make such Oath, solemn Affirmation, or Affidavit shall, in the Presence of the  
 5 Person empowered to administer such Oath, solemn Affirmation, or Affidavit, make and subscribe such Declaration; and every such Person is empowered and required to administer the same accordingly.

CCCCXXIV. In all Cases where a solemn Declaration in lieu of an Oath, solemn Affirmation, or Affidavit shall be substituted by  
 10 any Order to be made under the Authority of this Act, such Declaration shall, unless where otherwise directed by such Order, be in the Form prescribed in the Schedule KK. annexed to this Act.

CCCCXXV. Such Fees shall be payable on the swearing of any Oath, or the making of any solemn Declaration in substitution of an  
 15 Oath, solemn Affirmation, or Affidavit to the Person empowered to administer such Oath or Declaration respectively as shall be directed by any General Order to be made in pursuance of this Act; provided that no Fee or Reward whatever shall be taken or received by any Court or Magistrate, or any Inspector, Keeper, or Governor of any  
 20 Gaol, for or in respect of the swearing of any Affidavit, or the making of any solemn Declaration in substitution of an Oath, solemn Affirmation, or Affidavit, according to this Act, unless the contrary shall be directed by any General Order to be made in pursuance of this Act.

CCCCXXVI. Provided also, That wherever any solemn Declaration shall be made and subscribed by any Person, under the Provisions of this Act, in substitution of any Oath, solemn Affirmation, or Affidavit, all and every such Fees and Fee as would have been due and payable on the taking or making of such Oath, solemn Affir-  
 25 mation, or Affidavit, shall be in like Manner due and payable upon making and subscribing such Declaration.

CCCCXXVII. The Court of Appeal in Chancery sitting in Bankruptcy, and the Court of Bankruptcy, or any Commissioner thereof, or any Judge of a County Court exercising Jurisdiction under this  
 35 Act, may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence, either vivâ voce on Oath, or by Interrogatories in Writing, or upon Affidavit.

CCCCXXVIII. All Bankrupts and Insolvents, and the Wives of such Persons respectively, shall and may be examined before the  
 40 Court, after making and signing the Declaration contained in the Schedule W. to this Act annexed, without being sworn on Oath.

[154.]

Q 2

CCCCXXIX. All

Declaration to be in the Form prescribed.

Fees payable on making Affidavits and Declarations.

Same Fees payable on Declaration as on Oath for which it is substituted.

Evidence may be taken vivâ voce or upon Affidavit. 12 & 13 Vict. c. 106. s. 245.

Bankrupt and Bankrupt's Wife to be examined upon Declaration. 12 & 13 Vict. c. 106. s. 246.



Proceedings  
to be in  
Forms given  
by General  
Order.

CCCCXXIX. All Rules, Orders, Warrants, and other Proceedings of the Court may (subject to the Provisions of and except as otherwise provided by this Act) be in such Form and contain such Particulars as shall be directed by any General Orders to be from Time to Time made in pursuance of this Act.

5

Want of  
Form not to  
invalidate  
Proceedings.

CCCCXXX. No Rule, Order, Warrant, or other Proceeding or Document required by this Act to be in a Form given in the Schedules to this Act annexed, or to be given by any General Order to be made in pursuance of this Act, shall be invalidated by reason of any Want of Form or Omission therein, if such Want of Form or Omission shall not, in the Opinion of the Court before which the same shall be brought, be calculated to mislead or prejudicially to affect any Party to be affected thereby.

10

*Of  
Solicitors.*

And with respect to Solicitors, be it enacted as follows :

Every Solicitor of the High Court of Chancery duly admitted as a Solicitor in the Court of Bankruptcy may practise in the Court.  
12 & 13 Vict.  
c. 106. s. 247.

CCCCXXXI. Every Solicitor of the High Court of Chancery heretofore or hereafter duly admitted as a Solicitor of the Court of Bankruptcy in manner directed by the Act of the Session of Parliament of the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Seventy-three, and subject to the Provisions in the same Act, may appear and plead in any Proceedings in the Court, without being required to employ Counsel; and in case any Person, not being such Solicitor, shall practise in the Court as a Solicitor, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto; provided that nothing herein contained shall authorize any Solicitor to be heard in the Court of Appeal in Chancery sitting in Bankruptcy, or in the House of Lords upon any Appeal, under the Provisions of this Act.

20

25

Misconduct  
of Attorney  
or Solicitor.

CCCCXXXII. If any Solicitor shall be guilty of any Misconduct, it shall be lawful for the Court to direct that Proceedings shall be taken for striking the Name of such Solicitor off the Rolls of the Court of Chancery and of the Superior Courts at Westminster, and to make such Order as to the Costs of such Proceedings, and to direct the same to be paid out of such Fund, as to the Court shall seem fit, subject to any General Order to be made in pursuance of this Act.

30

35

*Costs.*

And with respect to Costs, be it enacted as follows :

Court may  
award Costs  
to the Creditor or the  
Debtor summoned.  
12 & 13 Vict.  
c. 106. s. 85.

CCCCXXXIII. Where any Debtor against whom an Affidavit of Debt is filed by any Creditor by virtue of the Provisions of this Act shall be summoned to appear before the Court in which such Affidavit shall be filed, every such Creditor or Debtor shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct

40

direct

direct the Costs of either Party of, incident to, or attendant upon such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall  
5 be Costs in the Cause, and recovered under the Judgment and Execution in such Action, or the Court may make such Order in relation to such Costs as to the Court may seem fit and just; provided that no Costs shall be allowed under this Section to any Creditor who adopts the Proceeding provided for by this Act, and proceeds by Action at  
10 Common Law for the same Debt, simultaneously.

CCCCXXXIV. In every "Action brought after the *Commence-ment of this Act*, wherein any Creditor who has filed an Affidavit of Debt against any Debtor by virtue of the Provisions of this Act is Plaintiff, and such Debtor is Defendant, and wherein the Plaintiff shall  
15 not recover the full Amount of the Sum for which he shall have filed an Affidavit of Debt as aforesaid, such Defendant shall be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought, provided that it shall be made appear to the Satisfaction of the Court in which such Action is  
20 brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by Rule or Order, direct that such Costs shall be allowed to the  
25 Defendant; and the Plaintiff shall, upon such Rule or Order being made, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed (and then in such Sum only as the same shall exceed) the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum  
30 recovered in any such Action shall be less than the Amount of the Costs to be taxed as aforesaid of the Defendant, then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed, to take out Execution for such Costs in like Manner as a  
35 Defendant may now by Law have Execution for Costs in other Cases.

If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.  
12 & 13 Vict. c. 106. s. 86.

CCCCXXXV. The Provisions in the Act of the Session of Parliament of the First and Second Years of the Reign of Her Majesty, Chapter One hundred and ten, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Review, therein referred to,  
40 in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor and the said Court of Review in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor and of the Court of Appeal in Chancery sitting in Bankruptcy under this Act.

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 1 & 2 Vict. c. 110. to be applicable to this Act.  
s. 18.  
12 & 13 Vict. c. 106. s. 248.

[154.]

Q 3

CCCCXXXVI. The

Court may  
in all Cases  
award Costs,  
which may be  
recovered as  
if they were  
awarded by  
Rule of a  
Superior  
Court at  
Westmin-  
ster.

12 & 13 Vict.  
c. 106. s. 249.  
18 & 19 Vict.  
c. 15. s. 10.

CCCCXXXVI. The Court may in all Matters before it award such Costs as to such Court shall seem fit and just; and in all Cases in which Costs shall be so awarded against any Person it shall and may be lawful for such Court to cause such Costs to be recovered from such Person in the same Manner as Costs awarded by a Rule of any of the Superior Courts at Westminster may be recovered, and the like Remedies may be had upon an Order of such Court for Costs as upon a Rule of any of the said Superior Courts for Costs: Provided always, that no such Order shall affect any Lands, Tenements, or Hereditaments as to Purchasers, Mortgagees, or Creditors, unless and until it shall be registered, and if necessary re-registered, in like Manner as, in order to bind such Purchasers, Mortgagees, or Creditors, it must have been if it had originally been a Judgment or Rule obtained or entered up in One of the Superior Courts of Common Law, or the Court of Common Pleas of the County Palatine of Lancaster, or the Court of Pleas of the County Palatine of Durham, respectively, any Notice of any such Order to any such Purchaser, Mortgagee, or Creditor in anywise notwithstanding.

Witnesses  
and Persons  
known or  
suspected to  
have Bank-  
rupt's or In-  
solvent's  
Property, &c.  
entitled to  
Costs of At-  
tendance, &c.  
12 & 13 Vict.  
c. 106. s. 250.

CCCCXXXVII. Every Person summoned to attend before the Court as a Person known or suspected to have any of the Estate of the Bankrupt or Insolvent in his Possession, or who is supposed to be indebted to the Bankrupt or Insolvent, shall have such Costs and Charges as the Court in its Discretion shall think fit; and every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him, in like Manner as is now by Law required upon Service of a Subpoena to a Witness in an Action at Law.

*Of Offences  
against the  
Law of  
Bankruptcy,  
&c.*

Bankrupt  
not surren-  
dering, or  
not deliver-  
ing up Books,  
&c., how  
punishable.  
12 & 13 Vict.  
c. 106. s. 251.

And with respect to Offences against the Law relating to Bankruptcy and other Matters in this Act, be it enacted as follows:

CCCCXXXVIII. If the Bankrupt shall not upon the Day limited for his Surrender, and before *Three* of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally or left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the London Gazette of the filing of the Petition for Adjudication of Bankruptcy against him, and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of the Court at such Time, and allowed by the Court by a Memorandum thereof then made on the Proceedings,) surrender himself to such Court, and sign or subscribe such Surrender, and submit to be examined before such Court from Time to Time, or if any such Bankrupt upon such Examination shall not discover all his Real and Personal Estate, and how, and to whom, upon what Consideration, and



and when he disposed of, assigned, or transferred any of such Estate (and all Books, Papers, and Writings relating thereunto, except such Part as shall have been really and bonâ fide before sold or disposed of, or laid out in the ordinary Expense of his Family); or if any  
 5 such Bankrupt upon such Examination shall not deliver up to such Court all such Part of such Estate, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power (except the necessary Wearing Apparel of himself, his Wife and Children), every such Bankrupt shall be deemed guilty  
 10 of Felony, and be liable to Transportation for Life, or for such Term not less than *Seven* Years as the Court before which he shall be convicted shall adjudge, or shall be liable to Imprisonment, with or without Hard Labour, for any Term not exceeding *Seven* Years.

CCCCXXXIX. If the Bankrupt or Insolvent, being a Trader, shall,  
 15 within *Three* Months next preceding the filing of the Petition for Adjudication of Bankruptcy, or for an Arrangement under the Superintendence of the Court, or the entering into an Arrangement with his Creditors by Deed or Memorandum, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of  
 20 Trade, obtain on Credit from any other Person any Goods or Chattels with Intent to defraud;

Misdemeanor punishable with Two Years Imprisonment.

Or if the Bankrupt or Insolvent, being a Trader, shall, within such Time and with such Intent as last aforesaid, dispose of any of his Goods or Chattels otherwise than by bonâ fide Sales in the  
 25 ordinary Way of his Trade;

Or if the Bankrupt or Insolvent, whether a Trader or not, shall within such *Three* Months as last aforesaid wilfully and knowingly commit any Fraud on his Creditors, or do any Act or make any false Representation, knowing it to be false, with Intent  
 30 to defraud his Creditors;

Or if the Bankrupt or Insolvent, being a Trader, shall, either after an Act of Bankruptcy or in contemplation of Bankruptcy or Insolvency, or within *Three* Months next preceding the filing of the Petition for Adjudication of Bankruptcy or for an Arrangement with his Creditors under the Superintendence of the Court,  
 35 or the entering into an Arrangement with his Creditors by Deed or Memorandum, with Intent to defeat the Objects of this Act, or to defraud his Creditors, have parted with, concealed, destroyed, altered, mutilated, or falsified, or caused to be concealed, destroyed,  
 40 altered, mutilated, or falsified, any of his Books, Papers, Deeds, Writings, Securities, or any Document relating to his Trade, Dealings, or Estate;

Or if the Bankrupt or Insolvent, being a Trader, shall, either after an Act of Bankruptcy or in contemplation of Bankruptcy or Insolvency, or within such *Three* Months as last aforesaid, and  
 45 [154.] Q 4 with

with the like Intent, have been Party or privy to the making of any false or fraudulent Entry in or Omission from any Book of Account or other Document ;

Or if the Bankrupt or Insolvent, whether a Trader or not, shall, either after an Act of Bankruptcy or in contemplation of Bankruptcy or Insolvency, or within such *Three Months* as last aforesaid, and with the like Intent, have removed, concealed, or embezzled any Part of his Property of the Value of *Twenty Pounds* or upwards ;

Or if the Bankrupt or Insolvent, whether a Trader or not, shall be privy to the proving of a false Debt under his Bankruptcy, or to the same being treated as a just Debt under his Insolvency, or shall afterwards come to the Knowledge thereof respectively, and shall not disclose the same to his Assignees, or the Trustees, or Inspectors under the Deed or Memorandum of Arrangement, or to the Court in which the same is registered, within *One Month* after such Knowledge ;

Then and in every of such Cases every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor, and shall on Conviction be liable to Imprisonment for a Term not exceeding *Two Years*, with or without Hard Labour.

Misdemeanors punishable with One Year's Imprisonment.

Bankruptcy Law Commissioners Report, 1854, p. 19.

CCCCXL. If the Bankrupt or Insolvent, being a Trader, shall, within *One Year* next preceding the filing of the Petition for Adjudication of Bankruptcy, or for Arrangement with his Creditors under the Superintendence of the Court, or his entering into an Arrangement with his Creditors by Deed or Memorandum, have lost *Two hundred Pounds* by any Contract for the Purchase or Sale of any Government, Foreign, or other Stock, or any Shares in any Partnership, Association, or Company, corporate or unincorporate, to which any of the Acts for the Time being in force for winding up Joint Stock Companies shall apply, where such Contract was not to be performed within *One Month* after the Contract, or where the Stock or Shares bought or sold were not actually transferred or delivered in pursuance of such Contract ;

Or if the Bankrupt or Insolvent, whether a Trader or not, shall at any Time within *Two Months* next preceding the filing of the Petition for Adjudication of Bankruptcy, or for Arrangement with his Creditors under the Superintendence of the Court, or his entering into an Arrangement with his Creditors by Deed or Memorandum, fraudulently, and in contemplation of Bankruptcy or Insolvency, and not under Pressure from any of his Creditors, but with Intent to diminish the Sum to be divided amongst his Creditors, or to give an undue Preference to any of his Creditors, have paid or satisfied any such Creditor, either wholly or in part, or have made away with, mortgaged, incumbered, or charged any Part of his Property, of what Kind soever ;

Or

Or if the Bankrupt or Insolvent, whether a Trader or not, shall at any Time after the filing of the Petition for Adjudication of Bankruptcy, or for an Arrangement with his Creditors under the Control of the Court, or his entering into an Arrangement with his Creditors by Deed or Memorandum, and with Intent to diminish the Sum, to be divided amongst his Creditors, or to give an undue Preference to any of his Creditors, have concealed from the Court or his Assignee, or the Trustees or Inspectors under the Arrangement, any Debt due to or from him, or have concealed or made away with any Part of his Property, of what Kind soever ;

Or if the Bankrupt or Insolvent, whether a Trader or not, shall at any Time after the filing of such Petition or the entering into such Arrangement as respectively last aforesaid, have wilfully prevented or withheld the Production of any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, Estate, or pecuniary Affairs ;

Or if the Bankrupt or Insolvent, being a Trader, shall not during the Time of his Trading in respect of which he shall be adjudged bankrupt, or for *Two Years* at the least previously to the filing of such Petition or the entering into such Arrangement as respectively last aforesaid, have kept or caused to be kept Books of Account of his said Trading, or at the least a Book or Books containing a Cash Account in respect thereof ;

Then and in every such Case every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor, and shall on Conviction be liable to Imprisonment for a Term not exceeding *One Year*, with or without Hard Labour.

CCCCXLI. Any Bankrupt or Insolvent, or Bankrupt's or Insolvent's Wife, who shall, upon any Examination upon Affirmation, or after making and signing the solemn Declaration authorized or directed by this Act, and any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition, or solemn Affirmation or solemn Declaration, so authorized or directed, or in any Affidavit or Deposition, or solemn Affirmation or solemn Declaration, wilfully and corruptly give false Evidence, or wilfully and corruptly swear, affirm, or declare anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

False Evidence.  
12 & 13 Vict.  
c. 106. s. 244

CCCCXLII. If it shall at any Time appear to the Court that any Bankrupt or Insolvent, or the Wife of any Bankrupt or Insolvent, has been guilty of any of the Offences herein-before mentioned, the Commissioner of the Court of Bankruptcy or the Judge of the County Court (as the Case may be) shall and may have and exercise such Jurisdiction, Rights, Powers, and Privileges for the summoning, apprehending

Commissioners to have Power of Justices of the Peace in committing, &c.



11 & 12 Vict.  
c. 42.

hending, committing, remanding, bailing, and otherwise proceeding in respect of such Bankrupt or Insolvent or Wife of such Bankrupt or Insolvent as are exercised by and vested in Her Majesty's Justices of the Peace in respect of Persons against whom a Charge or Complaint shall have been made before any one or more of the said 5 Justices in respect of any Felony or indictable Misdemeanor committed within the Limits of the Jurisdiction of such Justice or Justices; and all the Provisions of the Act of the Session of Parliament of the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, shall, with such Variations as the Nature of the 10 Case may require, extend and apply to Commissioners of the Court of Bankruptcy and Judges of the County Court acting in the Execution of this Act, and their Proceedings, as well as to Justices of the Peace and their Proceedings.

Court may  
appoint Pro-  
secutor.

CCCCXLIII. The Court may direct that the Creditors Assignee, 15 or any Trustee or Inspector under any Deed or Memorandum of Arrangement, or any of the Creditors of the Bankrupt or Insolvent, shall act as the Prosecutor in respect of such Offence, and that any Expenses incurred by such Prosecutor, other than those defrayed in accordance with the next following Clause, shall be paid out of the 20 Fund for Incidental Expenses.

Expenses of  
Prosecution.

CCCCXLIV. The Court shall give to the Person so directed to prosecute as aforesaid a Certificate of the Court having so directed, which Certificate shall be deemed sufficient Proof of such Prosecution having been directed as aforesaid; and upon the Production of such 25 Certificate the Costs of such Prosecution shall be allowed by the Court before which any Person shall be prosecuted or tried in pursuance of such Direction as aforesaid, unless such last-mentioned Court shall specially otherwise direct, and when allowed by any such Court such Sum so allowed shall be ordered by the said Court to be paid 30 and borne in all respects in the same Manner as the Expenses of Prosecutions for Felonies are now paid and borne, and the same shall be paid and borne accordingly.

Assignee,  
and Cre-  
ditors who  
have proved,  
to be deemed  
Judgment  
Creditors,  
and Court to  
grant Certi-  
ficate there-  
of, which  
shall have  
the Effect of  
a Judgment  
of Superior

CCCCXLV. The Creditors Assignee for [the Time being of the Estate and Effects of any Bankrupt, when the Accounts relating to his 35 Estate shall have become Records of the Court, shall be deemed a Judgment Creditor of such Bankrupt for the total Amount of the Debts which shall by such Accounts appear to be due from him to his Creditors; and every Creditor of any Bankrupt, immediately after the Proof of his Debt shall have been admitted, shall be deemed 40 a Judgment Creditor of such Bankrupt to the Extent of such Proof; and the Court, when it shall have refused to grant the Bankrupt any further Protection, or shall have refused or suspended his Certificate, shall,

- shall, on the Application of such Assignee or of any such Creditor, grant a Certificate under the Seal of the Court, in the Form contained in the Schedule L.L. to this Act annexed; and every such Certificate shall have the Effect of a Judgment entered up in One of Her Majesty's Superior Courts of Common Law at Westminster until the Allowance of the Certificate of Conformity of such Bankrupt; and the Assignee or the Creditor to whom, according to such Certificate, the Bankrupt shall be indebted as therein mentioned, shall be thereupon entitled to issue and enforce a Writ of Execution against the Body of such Bankrupt; and the Production of any such Certificate to the proper Officer of any such Superior Court shall be sufficient Authority to him to issue and seal such Writ, and it shall be lawful for such Superior Courts to make such Orders and Rules in that Behalf as to them shall seem fit: Provided always, that every such last-mentioned Certificate shall be deemed to have been cancelled and discharged by the Allowance of the Certificate of Conformity of such Bankrupt from the Time of such Allowance; provided also, that no Execution by virtue of any Certificate which shall be granted to any Creditor or Assignee as aforesaid shall be issued, nor shall any such Certificate or Execution in any Manner affect any Estate or Effects which shall come to or be acquired by the Bankrupt after the Allowance of his Certificate of Conformity.

Court at  
Westmin-  
ster.  
12 & 13 Vict.  
c. 106. s. 257.

- CCCCXLVI. The Creditors Assignee for the Time being may issue and enforce Execution upon any such Certificate as last aforesaid, as fully to all Intents and Purposes as the Creditors Assignee to whom such Certificate shall have been originally granted.

Assignee  
for the Time  
being may  
issue Execu-  
tion on such  
Certificate.  
12 & 13 Vict.  
c. 106. s. 258.

- CCCCXLVII. If any Bankrupt shall be taken in Execution after the Refusal of Protection, or after the Refusal or Suspension of his Certificate, he shall not be discharged from such Execution until he shall have been in Prison for the full Period of *One Year*, except by Order of the Court.

Bankrupt  
taken in  
Execution  
not to be  
discharged  
except by  
Order of the  
Court.  
12 & 13 Vict.  
c. 106. s. 259.

- CCCCXLVIII. If any Bankrupt or Insolvent, or the Wife of any Bankrupt or Insolvent, shall refuse to make and sign the Declaration contained in the Schedule W. to this Act annexed, or if any other Person shall refuse to be sworn or make a solemn Affirmation or solemn Declaration (as the Case may be), or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court, or shall refuse to sign or subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents in his Custody or Power, relating to any of the Matters under Inquiry, which such Bankrupt or Insolvent, Wife of the Bankrupt or Insolvent, or Person is required by the

Any Person,  
refusing to  
besworn, &c.,  
or refusing  
to answer, or  
not fully  
answering,  
or refusing  
to sign Exa-  
mination, or  
to produce  
Books, &c.,  
may be  
committed.  
12 & 13 Vict.  
c. 106. s. 260.



Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court, by Warrant, to commit such Bankrupt or Insolvent, Wife of such Bankrupt or Insolvent, or other Person, in London to the Queen's Prison, or in the Country to such Prison as such Court shall think fit, (as 5 the Case may be in London or in any District in the Country,) there to remain without Bail until he shall submit himself to such Court to be sworn or to make a solemn Affirmation or solemn Declaration (as the Case may be), and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be 10 put by the Court, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power, to the Production of which no such Objection as aforesaid has been allowed.

Questions to be particularly specified on Warrant.  
12 & 13 Vict.  
c. 106. s. 261.

CCCCXLIX. If any Person be committed by the Court for refusing 15 to answer or for not fully answering any Question put to him by the Court, such Court shall in its Warrant of Commitment specify every such Question; provided that if any Person so committed shall bring any Habeas corpus in order to be discharged from such Commitment, and there shall appear on the Return of such Habeas corpus any such 20 Insufficiency in the Form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Person shall be brought by Habeas corpus, and such Court or Judge is hereby required, to commit such Person to the same Prison, there to remain 25 until he shall conform, unless it shall be shown to such Court or Judge by the Person committed that he has fully answered all lawful Questions put to him by the Court, or if such Person was committed for refusing to be sworn, or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient 30 Reason for the same; provided also, that such Court or Judge shall, if required thereto by the Person committed, in case the whole of the Examination of the Person so committed shall not have been stated in the Warrant of Commitment, inspect and consider the whole of the Examination of such Person whereof any such Question was 35 a Part; and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

Persons disobeying any Rule or Order of Court to be committed to Prison until they conform,

CCCCCL. If any Person shall disobey any Rule or Order of the 40 Court, duly made by such Court, for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, or made or entered into by Consent of such Person for carrying into effect any of such Purposes



Purposes or Provisions, the Court may, by Warrant in the Form contained in the Schedule MM. to this Act annexed, commit the Person so offending to the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain, without Bail or Mainprise, until such Court, or the Court of Appeal in Chancery sitting in Bankruptcy, shall make Order to the contrary.

or the Court,  
or the Court  
of Appeal,  
shall other-  
wise order.  
12 & 13 Vict.  
c. 106. s. 266.

CCCCLI. If the Debt stated by the Petitioning Creditor in his Affidavit or in his Petition for Adjudication or Distribution, and verified by Affidavit, to be due to him from any Debtor or deceased Debtor, shall not be really due, or if, after a Petition for Adjudication of Bankruptcy or Distribution filed, it shall not have been proved that the Person against whom or the Estate of the deceased Debtor in respect of whom such Petition has been filed was liable to an Adjudication of Bankruptcy or Order for Distribution at the Time of the filing of such Petition, and it shall also appear that such Petition for Adjudication of Bankruptcy or Distribution (as the Case may be) was filed fraudulently or maliciously, the Court shall and may, upon Petition of any Person aggrieved by such Petition, examine into the same, and order Satisfaction to be made to him for the Damages by him sustained.

If Bank-  
ruptcy or  
Distribution  
be fraudu-  
lently or  
maliciously  
prosecuted,  
Court may  
order Satis-  
faction.  
12 & 13 Vict.  
c. 106. s. 267.

CCCCCLII. If any Petitioning Creditor shall, after Adjudication of Bankruptcy or Order for Distribution, receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Official or Creditors Assignee for the Benefit of the Creditors of the Bankrupt or deceased Debtor.

Petitioning  
Creditor  
compound-  
ing with  
Debtor after  
Bankruptcy.  
12 & 13 Vict.  
c. 106. s. 268.

CCCCCLIII. Any Person who shall wilfully conceal any Real or Personal Estate of the Bankrupt or Insolvent, and who shall not, within *Forty-two* Days after the filing of the Petition for Adjudication of Bankruptcy or Arrangement or Distribution, or the Debtors entering into an Arrangement with his Creditors by Deed or Memorandum (as the Case may be), discover such Estate to the Assignee, Trustee, or Inspector or to the Court, shall forfeit the Sum of *One hundred Pounds* and double the Value of the Estate so concealed; and any Person who shall after such Time voluntarily discover to the Assignee, Trustee, or Inspector, or to the Court, any Part of such Estate not before come to the Knowledge of the Assignee, Trustee, or Inspector, shall be allowed *Five* per Centum thereupon, and such further Reward as the Assignee, Trustee, or Inspector, with the Consent of the Court,

Concealing  
Bankrupt's  
or Insol-  
vent's Ef-  
fects.  
12 & 13 Vict.  
c. 106. s. 269

Allowance  
to Persons  
making  
Discovery.

shall think fit, to be paid out of the Estate recovered on such Discovery.

Obtaining Money, Goods, &c. as an Inducement to forbear Opposition, or to consent to Allowance of Certificate. 12 & 13 Vict. c. 106. s. 270.

CCCCCLIV. If any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting 5 to the Allowance of the Certificate of such Bankrupt, or the Endorsement thereof, or to forbear to petition for the Recall of the same, every such Creditor so offending shall forfeit and lose for every such Offence the *Treble* Value or Amount of such Money, Goods, Chattels, or Security so obtained (as the Case may be). 10

Officers, &c. taking Fees improperly. 12 & 13 Vict. c. 106. s. 271.

CCCCCLV. If any Commissioner, Registrar, Master, Clerk, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act, or under colour of doing anything under this Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take for him or on his 15 Account, or for or on account of any Person by him named, or in trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or any Thing of Value whatsoever, other than is allowed by this Act, such Person, when duly convicted thereof, shall forfeit and pay the Sum of *Five hundred* 20 *Pounds*, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Inserting Advertisements without Authority. 12 & 13 Vict. c. 106. s. 272.

CCCCCLVI. Any Person who shall insert or cause to be inserted in the London Gazette, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any 25 material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Commissioner, or Officer, or the Seal of the Court. 12 & 13 Vict. c. 106. s. 273.

CCCCCLVII. If any Person shall forge the Signature of any Commissioner or Registrar, or of the Master or other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, 30 for the Purpose of authenticating any Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Commissioner, Registrar, Master, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing the same Signature or Seal 35 to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under the Act of the Session of Parliament of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and thirteen.

Gaoler suffering Persons

CCCCCLVIII. If any Keeper of any Prison or any Gaoler to whose 40 Custody any Bankrupt, Insolvent, or other Person shall be duly committed

committed shall refuse to receive such Bankrupt, Insolvent, or other Person, or shall suffer him to escape, every such Keeper or Gaoler shall forfeit *Five hundred Pounds*. committed to escape, &c. 12 & 13 Vict. c. 106. s. 274.

CCCCCLIX. All Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized, may be sued for by the Creditors Assignee or the Trustee or Inspector under the Deed or Memorandum of Arrangement of the Bankruptcy or Insolvency connected therewith or interested therein, or such other Person as the Court shall by Order direct in any of Her Majesty's Superior Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be paid over to the Bank of England, to the Credit of the Account intituled "The Chief Registrar's Account." Application of Forfeitures. 12 & 13 Vict. c. 106. s. 275.

And with respect to the Definition and Explanation of Terms, be it enacted as follows: *Definition of Terms, &c.*

CCCCCLX. The Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

The Term "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being: "Lord Chancellor."

The Term "the Court of Bankruptcy" shall mean Her Majesty's Court of Bankruptcy, and also any Commissioner or Commissioners of Her Majesty's Court of Bankruptcy constituting and acting as a Court under this Act: "Court of Bankruptcy."

The Term the "Senior Commissioner" shall mean the Senior Commissioner of the Court acting in London, which Seniority shall be determined by the Date of the Letters Patent or Commission under which the Commissioners of the Court acting in London were or shall be appointed, and in the event of such Letters Patent or Commission bearing the same Date, then by the Place and Precedence of such Commissioners at the Bar: "Senior Commissioner."

The Term "County Court" shall mean any Court holden or established under the Act of the Ninth and Tenth Years of Her Majesty, Chapter Ninety-five: "County Court."

The Term "the Court" shall include the Court of Bankruptcy, and the County Court, as above defined: "Court."

The Term "Metropolitan County Court" shall mean any County Court as above defined, holden within Ten Miles of the General Post Office: "Metropolitan County Court."



*Definition of Terms, &c.*

"Fiat" and  
"Fiat in  
Bankruptcy :"  
"annul-  
ling :"  
"Trader."

The Terms "Fiat" and "Fiat in Bankruptcy" shall mean also and include any Commission of Bankruptcy :

The Term "annulling" shall mean also and include "super-  
seding :"

The Term "Trader" shall mean and include all Alum-makers, 5  
Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brick-  
makers, Builders, Calenderers, Carpenters, Carriers, Cattle or  
Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers,  
Keepers of Inns, Taverns, Hotels, or Coffee Houses, Lime-  
burners, Livery Stable Keepers, Market Gardeners, Millers, 10  
Packers, Printers, Shipowners, Shipwrights, Victuallers, Ware-  
housemen, Wharfingers, Persons using the Trade or Profession  
of a Scrivener, receiving other Men's Monies or Estates into  
their Trust or Custody, Persons insuring Ships or their Freight  
or other Matters against Perils of the Sea, and all Persons using 15  
the Trade of Merchandise by way of bargaining, Exchange,  
bartering, Commission, Consignment, or otherwise, in gross or by  
retail, and all Persons who, either for themselves or as Agents or  
Factors for others, seek their Living by buying and selling, or by  
buying and letting for Hire, or by the Workmanship of Goods 20  
or Commodities ; provided that no Farmer, Grazier, common  
Labourer, or Workman for Hire, Receiver General of the Taxes,  
or Member of or Subscriber to any incorporated Commercial  
or Trading Company established by Charter or Act of Par-  
liament, shall be deemed as such a Trader :

25

What Per-  
sons not to  
be deemed  
such  
Traders :

"Insolvent :

The Term "Insolvent" shall include all Debtors petitioning the  
Court for an Arrangement with their Creditors under the Super-  
intendence of the Court, and all Debtors entering into Arrange-  
ments with their Creditors by Deed or Memorandum, whether  
the same shall or shall not be obligatory upon Creditors who 30  
shall not have signed the same, and all other Debtors, if any,  
not being Bankrupts, who shall not pay their Debts in full, and  
shall come within the Operation or take the Benefit of this Act :

"Bank of  
England :"

The Term "Bank of England" shall include all Branches  
thereof :

35

Where any  
particular  
Number of  
Days is pre-  
scribed for  
doing any  
Act, how  
Time to be  
reckoned.

And in all Cases in which any particular Number of Days is  
prescribed by this Act, or shall be mentioned in any Rule or  
Order of Court which shall at any Time be made under this  
Act, for the doing of any Act, or for any other Purpose, the  
same shall be reckoned, in the Absence of any Expression to the 40  
contrary, exclusive of the first and inclusive of the last Day,  
unless the last Day shall happen to fall on a Sunday, Christmas  
Day, Good Friday, Tuesday in Easter Week, or a Day appointed  
for a Public Fast or Thanksgiving, in which Case the Time shall  
be

be reckoned exclusive of that Day also, or unless such last Day shall happen to fall on a Monday in Easter Week, in which Case the Time shall be reckoned exclusive of that Day and the following Day also.

- 5 CCCCLXI. The Provisions herein contained in relation to Petitions for Adjudication of Bankruptcy and the filing thereof shall, in case it be so necessary, apply, so far as may be, to any Fiats of Bankruptcy already issued, and the issuing thereof respectively.
- Provisions of this Act applicable to Fiats in Bankruptcy already issued.

## SCHEDULES referred to in the foregoing Act.

## SCHEDULE A.

## ACTS and PARTS of ACTS repealed.

| Date of Act.            | Title.                                                                                                                                                                                                                                                                                                                                                                                                   | Extent of Repeal.  |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 1 & 2 Geo. 4. c. 115. - | An Act to repeal so much of an Act of the Fifth Year of the Reign of His late Majesty King George the Second relating to Bankrupts as requires the Meetings under Commissioners of Bankrupt to be holden in the Guildhall of the City of London, and for building Offices in the said City for the Meetings of the Commissioners and for the more regular Transaction of Business in Bankruptcy.         | The whole.         |
| 1 Will. 4. c. 7. - -    | An Act for the more speedy Judgment and Execution in Actions brought in His Majesty's Courts of Law at Westminster and in the Court of Common Pleas of the County Palatine of Lancaster; and for amending the Law as to Judgment on a Cognovit Actionem in Cases of Bankruptcy.                                                                                                                          | Section Seven (7). |
| 1 & 2 Will. 4. c. 56. - | An Act to establish a Court of Bankruptcy.                                                                                                                                                                                                                                                                                                                                                               | The whole.         |
| 2 & 3 Will. 4. c. 39. - | An Act for Uniformity of Process in Personal Actions in His Majesty's Courts of Law at Westminster.                                                                                                                                                                                                                                                                                                      | Section Nine (9).  |
| 2 & 3 Will. 4. c. 114.- | An Act to amend the Law relating to Bankrupts.                                                                                                                                                                                                                                                                                                                                                           | The whole.         |
| 5 & 6 Will. 4. c. 29. - | An Act for investing in Government Securities a Portion of the Cash lying unemployed in the Bank of England belonging to Bankrupts Estates, and applying the Interest thereon in discharge of the Expenses of the Court of Bankruptcy and for the Relief of the Suitors in the said Court, and for removing Doubts as to the Extent of the Powers of the Court of Review and of the Sub-division Courts. | The whole.         |



| Date of Act.            | Title.                                                                                                                                                                                                                                                                             | Extent of Repeal.                                  |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|
| 6 & 7 Will. 4. c. 27. - | An Act for investing in Government Securities further Portions of the Cash lying unemployed in the Bank of England belonging to Bankrupts Estates.                                                                                                                                 | The whole.                                         |
| 1 & 2 Vict. c. 110. -   | An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England.                                         | The whole except Sections 1 to 22, both inclusive. |
| 2 & 3 Vict. c. 39. -    | An Act to amend an Act passed in the last Session of Parliament for abolishing Arrest on Mesne Process except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England. | The whole.                                         |
| 5 & 6 Vict. c. 116. -   | An Act for the Relief of Insolvent Debtors.                                                                                                                                                                                                                                        | The whole.                                         |
| 5 & 6 Vict. c. 122. -   | An Act for the Amendment of the Law of Bankruptcy.                                                                                                                                                                                                                                 | The whole.                                         |
| 7 & 8 Vict. c. 70. -    | An Act for facilitating Arrangements between Debtors and Creditors.                                                                                                                                                                                                                | The whole.                                         |
| 7 & 8 Vict. c. 96. -    | An Act to amend the Law of Insolvency, Bankruptcy, and Execution.                                                                                                                                                                                                                  | Sections 1 to 56, both inclusive.                  |
| 10 & 11 Vict. c. 102. - | An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Courts of Bankruptcy and Court for Relief of Insolvent Debtors.                                                                                                            | The whole.                                         |
| 11 & 12 Vict. c. 77. -  | An Act to authorize the Application of Part of the unclaimed Money in the Court for the Relief of Insolvent Debtors in enlarging the Court House of the said Court.                                                                                                                | The whole.                                         |
| 12 & 13 Vict. c. 106. - | The Bankrupt Law Consolidation Act, 1849.                                                                                                                                                                                                                                          | The whole.                                         |
| 15 & 16 Vict. c. 77. -  | An Act to abolish the Office of Lord Chancellor's Secretary of Bankrupts, and to regulate the Office of Chief Registrar of the Court of Bankruptcy.                                                                                                                                | The whole, except Section 9.                       |
| 16 & 17 Vict. c. 81. -  | An Act to reduce the Salary and Emoluments of the Registrar of Meetings of the Court of Bankruptcy.                                                                                                                                                                                | The whole.                                         |

| Date of Act.            | Title.                                                                                                                                  | Extent of Repeal. |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 17 & 18 Vict. c. 119. - | The Bankruptcy Act, 1854 - -                                                                                                            | The whole.        |
| 18 & 19 Vict. c. 15. -  | An Act for the better Protection of Purchasers against Judgments, Crown Debts, Cases of Lis Pendens, and Life Annuities or Rentcharges. | Section Ten (10). |

### SCHEDULE B.

#### *Manchester District.*

The Manchester District shall comprehend all Places included within or to be considered as forming Parts of the Northern Division of the County of Chester as the same is settled and described by Statute 2 & 3 Will. 4. c. 64., for settling and describing the Division of Counties and the Limits of Cities and Boroughs in England and Wales, respecting the Election of Members of Parliament, and all Places included within or to be considered as forming Parts of the Northern Division of the County of Derby, as the same is settled and described by the said last-mentioned Act, and the following Places in the County of Lancaster, (that is to say,)

|                    |                 |
|--------------------|-----------------|
| Blackburn,         | Manchester,     |
| Clitheroe,         | Oldham,         |
| Lancaster,         | Rochdale,       |
| Preston,           | Salford,        |
| Ashton-under-Line, | Warrington, and |
| Bury,              | Wigan,          |
| Bolton-le-Moors,   |                 |

and also all other Places locally situated in the said County of Lancaster, and which are on the Eastern Side of any of the several Railways herein-after mentioned, (that is to say,)

The Railway formerly known as the Grand Junction Railway,  
The North Union Railway, and

The Lancaster and Preston Junction Railway,

or which are Northward, Eastward, or Westward of Lancaster aforesaid, or Westward or Northward of the River Lune. And it is hereby further ordered and directed, that the several Places in the said County of Lancaster herein-before expressly named shall include the Place or Places respectively which are comprehended within the Boundaries of every such Place, as such Boundaries are settled and described by the said last-mentioned Act.

#### *Leeds District.*

The Leeds District shall comprehend all Places locally situated in the County of York, and all the Places included within or to be considered as forming Part of the Northern Division of the County of Nottingham as the same is settled and described by the said Act, and all Places locally situate in the Parts of Lindsay in the County of Lincoln.

*Liverpool*

*Liverpool District.*

The Liverpool District shall comprehend all Places included within or to be considered as forming Parts of the Southern Division of the County of Chester, as the same is settled and described by the said last-mentioned Act, and all such Places locally situated in the County of Lancaster as will not be included in the Maachester District herein-before described, and all Places locally situated in any of the several Counties in Wales hereafter next mentioned ;

|            |                |
|------------|----------------|
| Anglesea,  | Flint,         |
| Carnarvon, | Merioneth, and |
| Denbigh,   | Montgomery.    |

*Birmingham District.*

The Birmingham District shall comprehend all Places locally situated in any of the several Counties herein-after next mentioned ; viz.—

|            |               |
|------------|---------------|
| Warwick,   | Salop,        |
| Worcester, | Stafford, and |
| Hereford,  | Leicester,    |

and all Places locally situated in the Parts of Kesteven and Holland in the County of Lincoln, and all Places included within or to be considered as forming Parts of the Southern Division of the County of Nottingham as the same is settled and described by the said last-mentioned Act, and the Town and County of the Town of Nottingham, and all Places included within or to be considered as forming Parts of the Southern Division of the County of Derby as the same is settled and described by the same Act.

*Bristol District.*

The Bristol District shall comprehend all Places locally situated in the County of Gloucester, and all Places locally situated in the County of Monmouth, and all Places included within or to be considered as forming Parts of the Northern Division of the County of Wilts, as the same is settled and described by the said last-mentioned Act, and all Places included within or to be considered as forming Parts of the Eastern Division of the County of Somerset as the same is settled and described by the same Act, and the County of the City of Bristol, and all Places within the Limits of the City of Bristol as the same are described in the said last-mentioned Act, and all Places locally situated in any of the several Counties in Wales herein-after next mentioned ; vizt.—

|             |               |
|-------------|---------------|
| Brecon,     | Glamorgan,    |
| Cardigan,   | Pembroke, and |
| Carmarthen, | Radnor.       |

*Exeter District.*

The Exeter District shall comprehend all Places locally situated in the County of Devon, and all Places locally situated in the County of Cornwall, and all Places included within or to be considered as forming Parts of the Western Division of the County of Somerset as the same is settled and described by the said last-mentioned Act, and all Places locally situated in



the County of Dorset, excepting the several Places in the same County herein-after next mentioned, (that is to say,)

|                  |                  |
|------------------|------------------|
| Poole,           | Blandford,       |
| Wimborn Minster, | Sturminster, and |
| Shaftesbury,     |                  |

and excepting also all other Places locally situated in the said County of Dorset which are situated within the Distance of One hundred Miles from the General Post Office in the City of London, the several Places herein-before and herein-after next mentioned, that is to say, Poole and Shaftesbury, shall include the Place or Places respectively which are comprehended within the Boundaries of every such Place as such Boundaries are settled and described by the said last-mentioned Act.

*Newcastle-upon-Tyne District.*

And the Newcastle-upon-Tyne District shall comprehend all Places locally situated in any of the several Counties herein-after next mentioned; viz.

|                 |               |
|-----------------|---------------|
| Northumberland, | Cumberland,   |
| Durham,         | Westmoreland, |

and also the Town of Berwick-upon-Tweed.

Provided always, and it is hereby further ordered and directed, That if any Part of any County herein-before mentioned which is detached from the main Body of such County, but for which no sufficient Provision is herein-before made, shall be surrounded by Two or more Counties or Divisions, or Ridings or Parts, then every such detached Part shall be considered as forming Part of the County or Division, Riding or Parts, with which such detached Part shall have the longest common Boundary.

*The London District.*

The London District will be as follows :

|                            |            |
|----------------------------|------------|
| Middlesex,                 | Surrey,    |
| Herts,                     | Sussex,    |
| Kent,                      | Hampshire, |
| Wilts (Southern Division); |            |

Dorset all within One hundred Miles from London, and including the Towns of Poole, Wimborn Minster, Blandford, Sturminster, and Shaftesbury;

|              |             |
|--------------|-------------|
| Oxfordshire, | Huntingdon, |
| Berks,       | Rutland,    |
| Buckingham,  | Cambridge,  |
| Bedford,     | Norfolk,    |
| Northampton, | Suffolk,    |

Essex.

SCHEDULE C.

| DOCUMENT.                                                                                                                                                                                                                                                         | Stamp Duty<br>in lieu of Fees. |    |    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----|----|
|                                                                                                                                                                                                                                                                   | £                              | s. | d. |
| Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors, under the Superintendence of the Court, or for Certificate of Arrangement by Deed, or for the Distribution of the Estate and Effects of a deceased Debtor | 1                              | 0  | 0  |
| Every Declaration of Insolvency                                                                                                                                                                                                                                   | 0                              | 2  | 6  |
| Every Summons of Debtor                                                                                                                                                                                                                                           | 0                              | 2  | 6  |
| Every Admission or Deposition of Debtor                                                                                                                                                                                                                           | 0                              | 2  | 6  |
| Every Bond with Sureties                                                                                                                                                                                                                                          | 0                              | 5  | 0  |
| Every Application for Search for Petition or other Proceeding (except Search for the Appointment of any Sitting or Meeting)                                                                                                                                       | 0                              | 1  | 0  |
| Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements,—where such Bill of Costs shall not exceed £5                                                                                                                                | 0                              | 1  | 6  |
| Exceeding £5 and not exceeding £10                                                                                                                                                                                                                                | 0                              | 2  | 6  |
| “ 10 “ 20                                                                                                                                                                                                                                                         | 0                              | 5  | 0  |
| “ 20 “ 30                                                                                                                                                                                                                                                         | 0                              | 7  | 6  |
| “ 30 “ 50                                                                                                                                                                                                                                                         | 0                              | 10 | 0  |
| “ 50 “ 100                                                                                                                                                                                                                                                        | 0                              | 15 | 0  |
| “ 100 “ 150                                                                                                                                                                                                                                                       | 1                              | 0  | 0  |
| “ 150 “ 200                                                                                                                                                                                                                                                       | 1                              | 10 | 0  |
| “ 200 “ 300                                                                                                                                                                                                                                                       | 2                              | 0  | 0  |
| “ 300 “ 500                                                                                                                                                                                                                                                       | 3                              | 0  | 0  |
| “ 500 “                                                                                                                                                                                                                                                           | 5                              | 0  | 0  |

SCHEDULE D.

The Bankrupt Law Consolidation Act, 1858.

*Declaration of Insolvency by Debtor.*

I the undersigned *E.F.* of do hereby declare, That I am  
unable to meet my Engagements with my Creditors. Dated at the Hour  
of o’Clock [in the Forenoon, or at Noon, or in the Afternoon,  
as the Case may be,] this Day of in the  
Year of our Lord

Witness,

*G.H.*, Attorney of the  
Court of

(Signed) *E.F.*

## SCHEDULE E.

---

The Bankrupt Law Consolidation Act, 1858.

*Writ of Summons to be served on a Member of Parliament in order to enforce the Provisions of "The Bankrupt Law Consolidation Act, 1858."*

VICTORIA, etc.

To C.D. of, etc. Esquire, having Privilege of Parliament, Greeting:

We command you, that, within One Calendar Month next after Personal Service hereof on you, you do cause an Appearance to be entered for you in Our Court of \_\_\_\_\_ in an Action at the Suit of A.B.; and you are hereby informed, that an Affidavit of Debt for the Sum of \_\_\_\_\_ hath been filed in the proper Office, according to the Provisions of "The Bankrupt Law Consolidation Act, 1858," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance to be entered for you, within One Calendar Month next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness \_\_\_\_\_ at Westminster, the \_\_\_\_\_ Day of \_\_\_\_\_

*This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney in manner following; that is to say,*

This Writ was issued by E.F. of \_\_\_\_\_, Attorney for the Plaintiff [or Plaintiffs] within named;

or,

This Writ was issued in Person by the Plaintiff within named, who resides at [mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be].

---

## SCHEDULE F.

---

The Bankrupt Law Consolidation Act, 1858.

*Petition by a Creditor for Adjudication of Bankruptcy.*

To the Court of Bankruptcy for the \_\_\_\_\_ District.

The humble Petition of  
Showeth,

THAT \_\_\_\_\_ residing [or carrying on Business, as the Case may be,] within the District of this Honourable Court, that is to say, at [insert the Name of the Place], is indebted unto your Petitioner in the Sum of [if Two Petitioners, \_\_\_\_\_ and if Three or more, \_\_\_\_\_] Pounds, [as the Case may be,] and that your Petitioner has been informed and believes that \_\_\_\_\_ that



Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against the said

Signed by the Petitioner on the  
Day of 185 , in the  
Presence of  
Solicitor in the Matter of this Petition.

*If the Petition be against Partners, alter the Form accordingly.*

*If the Petitioner affirm, alter the Form accordingly.*

[ 154. ]

T

## That

That your Petitioner, being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided. That the Inability of your Petitioner to meet his Engagements with his Creditors arises from [*here state the Causes of such Inability*], and from no other Cause or Causes whatsoever.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the

Day of 18 , in the

Presence of

Solicitor in the Matter of this Petition.

*If the Petition be by Partners, alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.*

---

### SCHEDULE I.

---

The Bankrupt Law Consolidation Act, 1858.

*Order to prosecute a Petition in a particular District.*

Court of Bankruptcy, Basinghall Street, London,  
the Day of A.D.

In the Matter of a Petition for Adjudication of Bankruptcy against *C.D.* of, &c,  
[or for Distribution of the Estate and Effects of *C.D.*, a deceased Debtor, as the Case may be].

UPON Application made to me this Day by [of Counsel or Solicitor] for and upon reading the Affidavit of  
I do hereby order that the above-mentioned Petition be prosecuted in the District.

A.B.,  
Commissioner.

---

### SCHEDULE J.

---

The Bankrupt Law Consolidation Act, 1858.

*Order to consolidate Proceedings, or to impound any Petition, and the Proceedings thereunder, or any Part thereof.*

Court of Bankruptcy, Basinghall Street, London,  
the Day of A.D.

Ex parte

In the Matter of

UPON Application made to me this Day by [of Counsel or Solicitor] for and upon reading the Affidavit of  
I do order that [stating the Order].

A.B.,  
Commissioner.

---

SCHE-





### SCHEDULE M.

---

The Bankrupt Law Consolidation Act, 1858.

Court of Bankruptcy, Basinghall Street, London,  
(or at in the County of )

the Day of A.D.

I *E.F.*, being sworn, on the Day and Year and at the Place aforesaid, make Oath and say, That I verily believe I have a good Defence upon the Merits to the Demand [or to Pounds Part of the Demand] herein-after mentioned of *A.B.* of who claims of me the Sum of Pounds for a Debt alleged to be due and owing from me to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Honourable Court, and bearing Date the Day of

(Signed) *E.F.*

Sworn before me,

*J.K.*, Commissioner.

---

### SCHEDULE N.

---

The Bankrupt Law Consolidation Act, 1858.

*Form of Bond to pay disputed Demand.*

Know all Men by these Presents, That we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *G.H.* in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be well and truly made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 18

(L.S.)

(L.S.)

(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy, for the Purpose of stating whether or not he admits a certain Demand of the said *G.H.*, amounting to the Sum of or any and what Part thereof, or whether he verily believes that he has a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [or Affirmation, as the Case may be,] that he verily believes that he, the said *A.B.*, hath a good Defence upon the Merits to the said Demand [or to Part of the said Demand]:\* And whereas an Action, wherein the said *G.H.* is Plaintiff, and the said *A.B.* is Defendant, is now depending in [name the Court in which the Action is depending] for the Recovery of the said Demand [or last-mentioned Sum, as the Case may be]: Now therefore the Condition of this Obligation is such, That if the said *A.B.* shall, on Demand, well and truly pay to the said *G.H.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *G.H.* in such Action, this Obligation

shall

shall be void and of no Effect, but otherwise shall be and remain in full Force and Virtue [or, if an Action has not been already brought, insert, instead of the Paragraph following the\*, these Words: Now therefore the Condition of this Obligation is such, That if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *G.H.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *G.H.* in any Action which shall hereafter be brought for the Recovery of the said Demand [or last-mentioned Sum, as the Case may require], this Obligation shall be void and of no Effect, but otherwise shall be and remain in full Force and Virtue.]

---

SCHEDULE O.

---

The Bankrupt Law Consolidation Act, 1858.

*Affidavit for summoning a Debtor.*

We, *A.B.* of \_\_\_\_\_ and *C.D.* of \_\_\_\_\_ severally make Oath and say, and first I this Deponent *A.B.* for myself say, That *E.F.* is justly and truly indebted to me in the Sum of [the Amount of the Debt] for, &c. [stating the Nature of the Debt with Certainty and Precision]; and I further say, that the said *E.F.* is residing or carrying on Business at \_\_\_\_\_ and that an Account in Writing of the Particulars of my Demand, amounting to the said Sum of [the Amount of the Debt], with a Notice thereunder written in the Form prescribed by "The Bankrupt Law Consolidation Act, 1858," requiring immediate Payment of the said Debt, is hereunto annexed; and I this Deponent *C.D.* for myself say, That I did on the \_\_\_\_\_ Day of \_\_\_\_\_ instant [or last] personally [or otherwise, according to the Fact,] serve the said *E.F.* with a true Copy of the said Account and Notice.

---

SCHEDULE P.

---

The Bankrupt Law Consolidation Act, 1858.

*Particulars of Demand, and Notice requiring Payment.*

To *E.F.* of \_\_\_\_\_

The following are the Particulars of the Demand of the undersigned *A.B.* of \_\_\_\_\_ against you the said *E.F.*, amounting to the Sum of [the Amount of Debt. Then copy the Account].

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of \_\_\_\_\_

Dated this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

### SCHEDULE Q.

---

The Bankrupt Law Consolidation Act, 1858.

*Summons of Debtor to appear.*

THESE are to will and require you to whom this Summons is directed personally to be and appear before the Court of Bankruptcy at Basinghall Street in the City of London [or at \_\_\_\_\_ in the County of \_\_\_\_\_], on the \_\_\_\_\_ Day of \_\_\_\_\_ at \_\_\_\_\_ o'Clock, and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain whether or not you admit the Demand of *A.B.* of \_\_\_\_\_ (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof, and to show Cause why you should not be adjudged bankrupt in respect of such Debt; and hereof you are not to fail, at your Peril.

Given under my Hand, the \_\_\_\_\_ Day of \_\_\_\_\_ in the  
Year of our Lord \_\_\_\_\_

(Signed) \_\_\_\_\_ *C.D.*,  
Commissioner.

### SCHEDULE R.

---

The Bankrupt Law Consolidation Act, 1858.

*Admission of Debt by Trader.*

Court of Bankruptcy, Basinghall Street, London,  
(or at \_\_\_\_\_ in the County of \_\_\_\_\_)

Day of \_\_\_\_\_ A.D.

WHEREAS I the undersigned *E.F.* of \_\_\_\_\_ am summoned to appear before this Honourable Court for the Purpose of stating whether or not I admit the Demand of *A.B.* of \_\_\_\_\_ who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits of the said Demand, or to any and what Part thereof, and to show Cause why I should not be adjudged bankrupt in respect of such Debt: Be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of \_\_\_\_\_ [or in part of the said Sum of \_\_\_\_\_, that is to say, in the Sum of \_\_\_\_\_].

(Signed) \_\_\_\_\_ *E.F.*

SCHE-



SCHEDULE S.

The Bankrupt Law Consolidation Act, 1858.

*Admission of Debt by Debtor signed out of Court.*

I, the undersigned *E.F.*, of                      do hereby confess, That I am indebted to *A.B.* of                      in the Sum of

(Signed) *E.F.*

Dated this

Day of

*A.D.*

Witness,

*G.H.*, Attorney for the said  
*E.F.*, and subscribing Wit-  
ness to the Execution hereof  
as such Attorney.

SCHEDULE T.

The Bankrupt Law Consolidation Act, 1858.

*Order for Petition for Adjudication of Bankruptcy to be proceeded in, on a substituted Debt.*

Court of Bankruptcy, Basinghall Street, London,  
(or at                      in the County of                      )

Day of

*A.D.*

In the Matter of

a Bankrupt.

UPON Application made to the Court this Day, by                      [of Counsel or Solicitor] for                      a Creditor of the above-named Bankrupt, and who has proved a Debt of sufficient Amount to support an Adjudication, and the Debt of the Petitioning Creditor having been found by the Court to be insufficient to support the Adjudication of Bankruptcy against the above-named                      it is hereby ordered, that the Petition for Adjudication of Bankruptcy filed against the said                      on the Day of                      be proceeded in, and that the Costs of, &c. [stating such Order as to Costs of any of the Parties concerned as the Court thinks fit.]

*A.B.* Commissioner.

SCHEDULE U.

The Bankrupt Law Consolidation Act, 1858.

*Order annulling Adjudication.*

Court of Bankruptcy, Basinghall Street, London,  
(or at                      in the County of                      )

Day of

*A.D.*

In the Matter of

UPON reading the Proceedings in the above Matter, and upon hearing [the Evidence now adduced, if the Case be so, and] what was alleged by

[154.]

T 4

and

and being satisfied that the Petitioning Creditor's Debt, and Act of Bankruptcy [or specify the particular Matter deemed insufficient, as the Case may require,] upon which the Adjudication of Bankruptcy was made against the said on the Day of was grounded, were and are [or was and is] insufficient to support such Adjudication, and no other Debt or Act of Bankruptcy [or specifying the particular Matter requisite in lieu of that deemed insufficient, as the Case may require,] sufficient to support such Adjudication being proved, I do order that the Adjudication of Bankruptcy made against the said on the said Day of be annulled, and the same is hereby annulled accordingly.

A.B., Commissioner.

---

### SCHEDULE V.

---

The Bankrupt Law Consolidation Act, 1858.

*Search Warrant.*

Day of A.D.

WHEREAS by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of me, the undersigned Commissioner of the Court of Bankruptcy, [or Judge of the County Court, as the Case may be,] acting in the Prosecution of a Petition for Adjudication of Bankruptcy filed and now in prosecution against A.B. of in the County of bearing Date the Day of and under which the said A.B. has been adjudged bankrupt, that there is Reason to suspect and believe that Property of the said A.B. is concealed in the House [or other Place, describing it, as the Case may be,] of one C.D. of in the County of such House not belonging to the said Bankrupt: These are therefore, by virtue of the "Bankrupt Law Consolidation Act, 1858," to authorize and require you, with necessary and proper Assistants, to enter, in the Daytime, into the House [or other Place, describing it, as the Case may be,] of the said C.D. situate at aforesaid, and there diligently to search for the said Property, and if any Property of the said Bankrupt shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, London, [or at the Court of Bankruptcy for the District at in the County of,] this Day of in the Year of our Lord One thousand eight hundred and

To

A.B., (L.S.)

Commissioner,  
or Judge.

and his Assistants.

*If there be Reason to suspect that the Bankrupt and his Property are concealed, alter the Warrant accordingly.*

---

SCHE-

SCHEDULE W.

The Bankrupt Law Consolidation Act, 1858.

*Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.*

I *A.B.*, the Person declared a Bankrupt under a Petition for Adjudication of Bankruptcy filed on the                      Day of                      in the Year of our Lord                      [*or I C.D.*, the Wife of *A.B.* declared a Bankrupt under a Petition for Adjudication of Bankruptcy filed on the                      Day of                      , do solemnly promise and declare, That I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A.B.*, and all Dealings and Transactions relating thereto, and will make a full and true Disclosure of all that has been done with the said Property, to the best of my Knowledge, Information, and Belief.

(Signed)                      *A.B.*

[*or C.D.*, the Wife of the said *A.B.*]

SCHEDULE X.

The Bankrupt Law Consolidation Act, 1858.

*Admission of Debt by Creditor of Bankrupt.*

I, the undersigned *I.K.* of                      do hereby, in open Court, confess that I am indebted to *E.F.* of                      a Bankrupt, in the Sum of                      , upon the Balance of Accounts between myself and the said *E.F.*

(Signed)                      *I.K.*

Witness, *G.H.*, Attorney of One of the Superior Courts, and named by the said *I.K.* [*or* named by the Court here], according to the Bankrupt Law Consolidation Act, 1858.

SCHEDULE Y.

The Bankrupt Law Consolidation Act, 1858.

*Order for Payment of Debt admitted in Court to be due to the Estate of a Bankrupt.*

Court of Bankruptcy, Basinghall Street, London,  
[*or* County Court of                      ]  
(*or* at                      in the County of                      )  
Day of                      A.D.

In the Matter of                      a Bankrupt.

WHEREAS                      of                      in his Examination  
taken                      Day of                      and signed and subscribed  
[154.]                      U                      by



*A.B., Commissioner,  
or Judge.*

*If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Assignee to pay to the Person summoned his Costs, out of the Estate and Effects of the Bankrupt, alter the Form accordingly.*

(Signed) *A.B.*

I, \_\_\_\_\_ Esquire, One of the Commissioners of Her Majesty's Court of Bankruptcy [or Judge of the County Court of \_\_\_\_\_] acting in the Prosecution of a Petition for Adjudication of Bankruptcy filed against \_\_\_\_\_ and bearing Date the \_\_\_\_\_ Day of \_\_\_\_\_ One thousand eight hundred and \_\_\_\_\_ do certify, That the said \_\_\_\_\_ became

became bankrupt before the Date and filing of the said Petition, within the true Intent and Meaning of the Law of Bankruptcy, and was thereupon adjudged bankrupt accordingly; and I further certify, that due Notice was given in the London Gazette of such Petition having been filed, and of the Adjudication thereon, and that a public Sitting for the said Bankrupt to surrender and conform was duly appointed on the      Day of      last; and I further certify, that such Sitting was had pursuant to such Notice, and that before Three of the Clock upon the said      Day of      the said Bankrupt did surrender himself, and did sign and subscribe such Surrender, and submit to be examined from Time to Time upon Oath; and I further certify, that the said Bankrupt did on the      Day of      last finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery; and I further certify, that on the      Day of      in the Year of our Lord One thousand eight hundred and      at the Court of Bankruptcy in Basinghall Street, London [or at      in the County of      ], I held a public Sitting for the Allowance of this Certificate to the said Bankrupt, (whereof, and of the Purport whereof, the Notice required in that Behalf was duly given,) and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and also to the Rectitude of his Conduct in reference to his pecuniary Transactions and Affairs before as well as after his Bankruptcy, I did then and there find the said Bankrupt entitled to such Certificate, and did allow the same.

[If the Certificate be allowed with Conditions, the same to be inserted here.]

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, London, [or at the Court of Bankruptcy for the      District, at      in the County of      ] [or at the County Court of      ] this      Day of      in the Year of our Lord One thousand eight hundred and

A.B., (L.S.)

Signed and sealed in the Presence  
of

Commissioner,  
or Judge.

*In case of Adjournment, or of the Allowance of the Certificate having been suspended, or of the Allowance thereof by the Court of Appeal in Chancery sitting in Bankruptcy, or the Judge of a County Court, or upon a Re-hearing, alter the Form accordingly.*

## SCHEDULE BB.

The Bankrupt Law Consolidation Act, 1858.

*Petition for Arrangement;*

To the County Court of

holden at

The humble Petition of

Showeth,

THAT your Petitioner, being a Debtor unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under

[154.]

U 2

the

the Superintendence of this Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Bankrupt Law Consolidation Act, 1858."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from [*here state the Causes of such Inability*], and from no other Cause or Causes whatsoever.

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by Three Fifths in Number and Value of his Creditors may be determined) may be carried into effect under the Superintendence and Control of this Court.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner in the Presence  
of  
Solicitor in the Matter of this Petition.

## SCHEDULE CC.

[If the  
Petitioner  
affirm, alter  
the Form  
accord-  
ingly.]

The Bankrupt Law Consolidation Act, 1858.

*Affidavit in support of Petition for Arrangement.*

I A.B. of \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_  
the Petitioner named in the Petition hereunto annexed, make Oath and say,  
That the several Allegations in the said Petition are true.  
Sworn at \_\_\_\_\_ this \_\_\_\_\_ Day of \_\_\_\_\_ One thousand  
eight hundred and \_\_\_\_\_ before me

## SCHEDULE DD.

The Bankrupt Law Consolidation Act, 1858.

*Certificate to Petitioning Debtor under Arrangement.*

County Court of \_\_\_\_\_  
Day of \_\_\_\_\_ A.D.  
of \_\_\_\_\_

WHEREAS  
a Debtor unable to meet his Engagements with his Creditors, did on the \_\_\_\_\_  
Day of \_\_\_\_\_ present his Petition to this  
Court, under the Provisions of "The Bankrupt Law Consolidation Act,  
1858," praying that a certain Proposal, or such Modification thereof as by  
Three Fifths in Number and Value of his Creditors might be determined,  
should be carried into effect, under the Superintendence of the said Court :  
And



And whereas I, Judge of the said Court, acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which I, thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect: I hereby certify the several Matters aforesaid under my Hand and the Seal of Court, this                      Day of                      18                      A.B. (L.S.) Judge.

## SCHEDULE EE.

The Bankrupt Law Consolidation Act, 1858.

*Warrant to enforce Registration of a Deed or Memorandum.*

WHEREAS by Evidence duly taken it hath been made to appear to the Satisfaction of me, the undersigned Commissioner of the Court of Bankruptcy for the                      District [or Judge of the County Court of                      ], that A.B. has the Custody or Care of a Deed [or Memorandum] of Arrangement entered into between one C.D. of                      and his Creditors, and that the said A.B. refuses to allow the same to be registered in this Court, having been thereunto required by the said C.D. [or E.F., one of the Creditors of the said C.D., as the Case may be]: These are therefore, by virtue of the Bankrupt Law Consolidation Act, 1858, to authorize and require you, with necessary and proper Assistants, in the Daytime, to search for and seize the said Deed [or Memorandum] of Arrangement, and to cause the same to be registered in their Court; and further to authorize and require you, if the said Deed [or Memorandum] of Arrangement cannot be found, to distrain the said A.B. by all his Lands and Chattels, so that neither the said A.B. nor any one for him do lay Hands on the same until the said A.B. render to you the said Deed [or Memorandum] of Arrangement to be registered according to the Provisions of the said Act.

Given under my Hand and the Seal of the Court at the Court of Bankruptcy for the                      District [or the County Court of                      ], this                      Day of                      in the Year of our Lord one thousand eight hundred and

To P.Q. and his Assistants,                      G.H. (L.S.) Commissioner, or Judge.

### SCHEDULE FF.

---

The Bankrupt Law Consolidation Act, 1858.

PETITION by a Creditor for Distribution of the Estate and Effects of a deceased Debtor.

To the Court of Bankruptcy for the \_\_\_\_\_ District.

The humble Petition of

Showeth,

That \_\_\_\_\_ of \_\_\_\_\_  
departed this Life on the \_\_\_\_\_ Day of \_\_\_\_\_ last,  
and was at the Time of his Decease residing [*or carrying on Business, as the Case may be*] within the District of this Honourable Court, and that the said \_\_\_\_\_ had committed an Act of Bankruptcy within Three Months immediately preceding his Decease, *or* was a Trader at the Time of his Decease [*as the Case may be*], and that the said \_\_\_\_\_ was indebted to your Petitioner in the Sum of Fifty [*if Two Petitioners* Seventy, and *if Three or more One hundred*] Pounds [*as the Case may be*].

Your Petitioner therefore humbly prays that on Proof of the Requisites in that Behalf, an Order may be made for the Distribution of the Estate and Effects of the said \_\_\_\_\_

And your Petitioner shall ever pray.

Signed by the Petitioner, in the Presence  
of \_\_\_\_\_  
Solicitor in the Matter of this Petition.

*If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners.*

*If the Petition be by several, not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.*

*If the Petitioner cannot speak to the Place of Residence or Business of the Debtor, strike out the Averment as to that, and annex to the Petition a separate Affidavit of some Person who can depose to the Fact.*

### SCHEDULE GG.

---

The Bankrupt Law Consolidation Act, 1858.

AFFIDAVIT in support of Petition for Distribution of the Estate and Effects of a deceased Debtor.

Court of Bankruptcy, Basinghall Street, London, [*or at*  
\_\_\_\_\_ in the County of \_\_\_\_\_,]

Day of \_\_\_\_\_ A.D.

I *A.B.* \_\_\_\_\_ of \_\_\_\_\_ in the  
of \_\_\_\_\_ the Petitioner named in the Petition hereunto annexed,  
make

make Oath and say, That the several Allegations in the said Petition are true.

Sworn at                      this                      Day  
of                      , One thousand eight hundred  
and                      before me

---

SCHEDULE HH.

---

The Bankrupt Law Consolidation Act, 1858.

PETITION by Executor or Administrator for Distribution of the Estate and Effects of a deceased Debtor.

To the Court of Bankruptcy for the                      District.

The humble Petition of

Showeth,

That                      of                      departed this Life on the                      Day of                      last, and was at the Time of his Death a Trader residing [*or carrying on Business, as the Case may be*] within the District of this Honourable Court; and the Debts of the said                      remain unsatisfied.

Your Petitioners therefore humbly pray, that on Proof of the Requisites in that Behalf, an Order may be made for the Distribution of the Estate and Effects of the said

And your Petitioner shall ever pray, &c.

Signed, by [*the Name of each Petitioner where more than One to be mentioned in the Attestation relating to it*] in the Presence of                      Solicitor in the Matter of this Petition.

---

SCHEDULE II.

---

The Bankrupt Law Consolidation Act, 1858.

ORDER dismissing Petition for Distribution of deceased Debtor's Estate and Effects.

Court of Bankruptcy, Basinghall Street, London, [*or*  
at                      in the County of                      ,]  
Day of                      A.D.                      .

In the Matter of                      a deceased Debtor.

No Order for Distribution having been made in the above Matter, and Months having elapsed since the filing of the Petition, I, in pursuance of                      , do order that such Petition be and the same is hereby dismissed.

A.B.



### SCHEDULE JJ.

---

The Bankrupt Law Consolidation Act, 1858.

*Form of Proxy.*

I *A.B.*, being a Creditor of *C.D.*, and having proved a Debt under the Adjudication of Bankruptcy against the said *C.D.*, [or under the Petition for an Arrangement between the said *C.D.* and his Creditors, under the Superintendence of the Court of Bankruptcy, or under the Order for Distribution of the Estate of the said *C.D.* deceased, *as the Case may be,*] appoint *E.F.* of to be my Deputy at all the Meetings [or *such of the said Meetings as may be specified*] of the Creditors of the said *C.D.* under such Adjudication, [or Petition or Order, *as the Case may be,*] and to take part therein and vote thereat for me and on my Behalf.

*A.B.*

Signed in the Presence of

---

### SCHEDULE KK.

---

The Bankrupt Law Consolidation Act, 1858.

*Solemn Declaration.*

I *A.B.* do solemnly and sincerely declare, That

and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of the Bankrupt Law Consolidation Act, 1858.

(Signed) *A.B.*

---

### SCHEDULE LL.

---

The Bankrupt Law Consolidation Act, 1858.

*Certificate to Creditor's Assignee or to a Creditor to entitle them to issue Writ of Execution.*

Court of Bankruptcy, Basinghall Street, London,  
(or at in the County of )

Day of *A.D.*

In the Matter of a Bankrupt.

I HEREBY certify, That *A.B.* of Creditor's Assignee of the  
above-named Bankrupt, is a Creditor of the said Bankrupt as such Assignee for  
the

the Sum of \_\_\_\_\_ in trust for the Creditors of the said Bankrupt [or  
that *E.F.* of \_\_\_\_\_ is a Creditor of the said Bankrupt for the Sum  
of \_\_\_\_\_], and that the said Bankrupt is not protected by this Court  
from Process against his Person.

*I.J.*

Registrar.

Seal of the Court.



*G.H.*

Commissioner.

## SCHEDULE MM.

The Bankrupt Law Consolidation Act, 1858.

*Warrant against Person disobeying any Rule or Order of Court.*

WHEREAS by a Rule [or an Order] of this Court, bearing Date the  
Day of \_\_\_\_\_ made for enforcing the Purposes and Provisions of the  
Bankrupt Law Consolidation Act; 1858, [or if of any other Act hereafter in  
force relating to the Subject Matters of this Act, or made or entered into by Consent  
for carrying into effect any of such Purposes or Provisions, alter the Recital  
accordingly], it was ordered, that, [*&c. &c.*, as in the Rule or Order]

And whereas it is now proved that after the making of the said Rule [or  
Order], that is to say, on this \_\_\_\_\_ Day of \_\_\_\_\_ a Copy of the  
said Rule [or Order] was duly served on the said \_\_\_\_\_ personally,  
and the Original Rule [or Order] at the same Time shown to him, but the  
said \_\_\_\_\_ then refused [or neglected] to obey the same, and hath not  
as yet obeyed the said Rule [or Order]

These are therefore to will, require, and authorize you immediately upon  
Receipt hereof to take into your Custody the Body of the said *A.B.*, and him  
safely to convey to Her Majesty's Gaol [or Prison] of \_\_\_\_\_ [or  
called \_\_\_\_\_], and him there to deliver to the Keeper of the said  
Prison, together with this Precept, and the Keeper of the said Prison is hereby  
required and authorized to receive the said *A.B.* into his Custody, and him  
safely to keep and detain, without Bail or Mainprize, until this Court, or the

[154.]

X

Court

Court of Appeal in Chancery sitting in Bankruptcy, shall make Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court at the Court of Bankruptcy, London, [*or* at the Court of Bankruptcy for the District at                      in the County of                      ,]  
 this                      Day of                      in the Year of our Lord  
 One thousand eight hundred and

A.B.                      (L.S.)

Commissioner.

To                      or his Assistant, and to the  
 Keeper of Her Majesty's Prison [*or* Gaol] of  
 [*or* called                      ], or his Deputy there.

---





# Bankruptcy and Insolvency.

---

A

## B I L L

To amend and consolidate the Laws relating to Bankrupts and Insolvents.

*(Prepared and brought in by  
Lord John Russell and Mr. Headlam.)*

---

*Ordered, by The House of Commons, to be Printed,  
22 June 1858,*

---

[Bill 154.]

*Under 23 oz.*



A

# B I L L

INTITULED

An Act to substitute in certain Cases the Bishop  
of one Diocese for the Bishop of another as  
a Trustee of certain Trusts.

**W**HEREAS it frequently happens that the Bishop of a Diocese is, *virtute Officii*, a Trustee of Real or Personal Estate for certain eleemosynary or other Purposes not beneficial to himself; and likewise that the Bishop is entitled, jointly  
5 with other Persons, to nominate to Chaplaincies or other Clerical Preferment: And whereas, in consequence of the altered Limits of Dioceses in England, it is expedient to make new Provisions for such Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,  
10 and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. In all Cases in which any such Trust, or Power of Nomination, as aforesaid, shall, by reason of such altered Limits, be now vested in the Bishop of a Diocese, either solely or jointly with any other Person  
15 or Persons, in favour of any Parishioners or other Persons or Objects of or belonging to any Place locally situate or being within the Limits of another Diocese, or in respect of any Spiritual Preferment within such Limits, it shall be lawful for the Charity Commissioners for England  
[Bill 76.] Charity Commissioners may make Order enabling Bishop of one Diocese to act for another, as to certain Trusts, &c.



England and Wales, and they are hereby empowered and required, upon a Scheme being laid before them, and the Facts proved to their Satisfaction, to make an Order under their Seal substituting from the Date thereof, for the Bishop aforesaid, the Bishop of the Diocese to which the Parish, Place, or Preferment respectively as aforesaid has been and is annexed; and such Order shall operate to vest in such lastly-mentioned Bishop, either solely or jointly with any other Person or Persons, as the Case may require, all Estate, Property, Stock, Funds, Monies, Securities, Rights, Titles, Patronage, and Authority, as fully and effectually as if he had been originally appointed to have and exercise the same. 5 10

How Costs  
to be de-  
frayed.

II. Any Costs necessarily incident to effecting the aforesaid Transfers shall be defrayed by Order of the said Charity Commissioners out of the Property, Real or Personal, as the said Charity Commissioners may direct, which shall be transferred as aforesaid. 15



# Bishops Trusts Substitution.

A

## B I L L

INTITLED

An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts.

(*Brought from the Lords 25 March 1858.*)

---

*Ordered, by The House of Commons, to be Printed,  
5 May 1858.*

---

[Bill 76.]

*Under 1 oz.*



20 May 1858. 21 VICT.



A

B I L L

TO

Enable the Bishop of one Diocese to substitute  
the Bishop of another as a Trustee in certain  
Trusts.

5 **W**HEREAS it frequently happens that the Bishop of a Dio- Preamble.  
cese is, virtute officii, a Trustee of Real or Personal Estate  
for certain eleemosynary or other Purposes not beneficial to  
himself, and by the Deed or other Instrument creating such Trust no  
10 Power of appointing or substituting new Trustees is given, under  
which a Change or Substitution of Trustees or of a Trustee may  
be effected: And whereas, in consequence of the altered Limits of  
Dioceses in England, it is expedient to provide for such Cases:  
Be it enacted by the Queen's most Excellent Majesty, by and with  
15 the Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the Autho-  
rity of the same, as follows:

I. In all Cases in which any such Trust shall by reason of such altered Limits be now vested in the Bishop of a Diocese, either solely,  
15 or jointly with any other Person or Persons, and such Bishop shall be  
desirous of relinquishing such Trust, in consequence of the Parishioners  
or other Persons or Objects in whose Favour such Trust was  
created being no longer locally situate within the Limits of his  
[Bill 96.] Diocese, The Court  
of Chancery,  
or the Cha-  
rity Commis-  
sioners by  
its Direction,  
may make  
Order  
enabling a  
Bishop of

one Diocese  
to act for  
another.

Diocese, it shall be lawful for the Lord High Chancellor of England, under and pursuant to the several Provisions contained in the Statutes of the Thirteenth and Fourteenth Victoria, Chapter Sixty, and of the Fifteenth and Sixteenth Victoria, Chapter Fifty-five, on the Petition of a Majority of such Parishioners or other Persons or Parties 5 as aforesaid, or of the Parties beneficially interested in such Real or Personal Estates, in case such Trust be of an eleemosynary Character, if he shall think proper, to refer such Petition to the Consideration of the Charity Commissioners for England and Wales, and they are hereby authorized and empowered (if they shall in their Discretion think fit) 10 to make an Order under their Seal substituting from the Date thereof for the Bishop aforesaid the Bishop of the Diocese within which such Eleemosynary Trust is now found by reason of such altered Limits to be in operation; but in case of all other Trusts (including as well those of an eleemosynary or any other Character as aforesaid) 15 which shall not be so referred to such Commissioners, it shall be lawful for the Lord High Chancellor, upon hearing such Petition, forthwith to make an Order substituting such other Person or Persons, one of them either being or not being a Bishop of such Diocese as last aforesaid, as he shall think fit; and such Order or Orders, whether of such Lord 20 High Chancellor or of such Commissioners, so made as aforesaid, shall operate to vest in such lastly mentioned Bishop or other newly appointed Trustee or Trustees, either solely, or jointly with any other Person or Persons, either already appointed or then appointed, as the Case may require, all Estates, Property, Stocks, Funds, Monies, and Securities 25 appertaining to such Trust, as fully and effectually as if he or they had been originally appointed under the Deed or other Instrument creating such Trust; but no such Order or Orders shall be made for effecting such Change or Substitution of Trustees on the Application or Petition of any Bishop of a Diocese who may personally be or become desirous 30 of being appointed a Trustee in lieu of the Bishop of the Diocese originally invested with any such Trust.

How Costs  
are to be  
defrayed.

II. Any Costs necessarily incidental to effecting the aforesaid Change or Substitution of Trustees shall be defrayed, by such Order or Orders respectively, as the Case may be, out of the Property, Real 35 or Personal, which shall be so transferred as aforesaid.

Saving  
Clause for  
the Univer-  
sities and  
Colleges of  
Eton, Win-  
chester, and  
Westminster

III. Provided always, That nothing herein contained shall be construed to extend to or in any way affect Trusts of a visitatorial or any other Nature or Character, now or at any Time hereafter vested in any Archbishop or Bishop of a Province or Diocese, or any other 40 Ecclesiastical Person having any Jurisdiction or Trust exercised by him in or over any College, Hall, or School within the Precincts or under the Jurisdiction or Government of either of the Universities of Oxford

Oxford or Cambridge, or in or over the Colleges or Schools of Saint Mary at Eton, Saint Mary at Winchester, and Saint Peter at Westminster, or the Jurisdiction or Trusts now exercised by the Chancellors, Vice-Chancellors, Deans, Provosts, Wardens, Rectors,  
5 Presidents, Masters, Principals, Governors, or Guardians of the Colleges, Halls, or Schools therein, or over the Colleges or Schools aforesaid.

IV. Provided also, That nothing in this Act contained shall be construed to extend to Endowments of an eleemosynary or any other  
10 Character whose Foundation Trusts are or may be governed by any specific Act of legislative Incorporation or otherwise. Saving  
Proviso.



# Bishops Trusts Substitution (No. 2.)

---

A

## B I L L

To enable the Bishop of one Diocese  
to substitute the Bishop of another  
as a Trustee in certain Trusts.

(*Prepared and brought in by  
Mr. Briscoe and Mr. Gilpin.*)

---

*Ordered, by The House of Commons, to be Printed,  
20 May 1858.*

---

[Bill 96.]

*Under 1 oz.*

31 May 1858. 21 VICT.



(No. 3.)

A

# B I L L

TO

Substitute in certain Cases the Bishop of one  
Diocese for the Bishop of another as a Trustee  
of certain Trusts.

**W**HEREAS it frequently happens that the Bishop of a Dio- Preamble.  
cese is, virtute officii, a Trustee of Real or Personal Estate  
for certain eleemosynary or other Purposes not beneficial to  
himself, and by the Deed or other Instrument creating such Trust no  
5 Power of appointing or substituting new Trustees is given, under  
which a Change or Substitution of Trustees or of a Trustee may  
be effected: And whereas, in consequence of the altered Limits of  
Dioceses in England, it is expedient to provide for such Cases:  
Be it enacted by the Queen's most Excellent Majesty, by and with  
10 the Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the Autho-  
rity of the same, as follows:

I. In all Cases in which any such Trust shall by reason of such  
altered Limits be now vested in the Bishop of a Diocese, either solely,  
15 or jointly with any other Person or Persons, and such Bishop shall be  
desirous of relinquishing such Trust, in consequence of the Parishioners  
or other Persons or Objects in whose Favour such Trust was  
created being no longer locally situate within the Limits of his  
[Bill 97.] Diocese, Bishop of

The Court  
of Chancery,  
or the Cha-  
rity Commis-  
sioners by  
its Direction,  
may make  
Order  
enabling a  
Bishop of

one Diocese  
to act for  
another.

Diocese, it shall be lawful for the Lord High Chancellor of England, under and pursuant to the several Provisions contained in the Statutes of the Thirteenth and Fourteenth Victoria, Chapter Sixty, and of the Fifteenth and Sixteenth Victoria, Chapter Fifty-five, on the Petition of a Majority of such Parishioners or other Persons or Parties 5 as aforesaid, or of the Parties beneficially interested in such Real or Personal Estates, in case such Trust be of an eleemosynary Character, if he shall think proper, to refer such Petition to the Consideration of the Charity Commissioners for England and Wales, and they are hereby authorized and empowered (if they shall in their Discretion think fit) 10 to make an Order under their Seal substituting from the Date thereof for the Bishop aforesaid the Bishop of the Diocese within which such Eleemosynary Trust is now found by reason of such altered Limits to be in operation; but in case of all other Trusts (including as well those of an eleemosynary or any other Character as aforesaid) 15 which shall not be so referred to such Commissioners, it shall be lawful for the Lord High Chancellor, upon hearing such Petition, forthwith to make an Order substituting such other Person or Persons, one of them either being or not being a Bishop of such Diocese as last aforesaid, as he shall think fit; and such Order or Orders, whether of such Lord 20 High Chancellor or of such Commissioners, so made as aforesaid, shall operate to vest in such lastly mentioned Bishop or other newly appointed Trustee or Trustees, either solely, or jointly with any other Person or Persons, either already appointed or then appointed, as the Case may require, all Estates, Property, Stocks, Funds, Monies, and Securities 25 appertaining to such Trust, as fully and effectually as if he or they had been originally appointed under the Deed or other Instrument creating such Trust; but no such Order or Orders shall be made for effecting such Change or Substitution of Trustees on the Application or Petition of any Bishop of a Diocese who may personally be or become desirous 30 of being appointed a Trustee in lieu of the Bishop of the Diocese originally invested with any such Trust.

How Costs  
are to be  
defrayed.

II. Any Costs necessarily incidental to effecting the aforesaid Change or Substitution of Trustees shall be defrayed, by such Order or Orders respectively, as the Case may be, out of the Property, Real 35 or Personal, which shall be so transferred as aforesaid.

Saving  
Clause for  
the Univer-  
sities and  
Colleges of  
Eton, Win-  
chester, and  
Westminster

III. Provided always, That nothing herein contained shall be construed to extend to or in any way affect Trusts of a visitatorial or any other Nature or Character, now or at any Time hereafter vested in any Archbishop or Bishop of a Province or Diocese, or any other 40 Ecclesiastical Person having any Jurisdiction or Trust exercised by him in or over any College, Hall, or School within the Precincts or under the Jurisdiction or Government of either of the Universities of Oxford



Oxford or Cambridge, or in or over the Colleges or Schools of Saint Mary at Eton, Saint Mary at Winchester, and Saint Peter at Westminster, or the Jurisdiction or Trusts now exercised by the Chancellors, Vice-Chancellors, Deans, Provosts, Wardens, Rectors,  
5 Presidents, Masters, Principals, Governors, or Guardians of the Colleges, Halls, or Schools therein, or over the Colleges or Schools aforesaid.

IV. Provided also, That nothing in this Act contained shall be construed to extend to Endowments of an eleemosynary or any other  
10 Character whose Foundation Trusts are or may be governed by any specific Act of legislative Incorporation or otherwise. Saving  
Proviso.

Bishops Trusts  
Substitution (No. 3.)  

---

A

B I L L

To substitute in certain Cases the  
Bishop of one Diocese for the Bishop of  
another as a Trustee of certain Trusts.

(Prepared and brought in by  
Mr. Briscoe and Mr. Gilpin.)

---

*Ordered, by The House of Commons, to be Printed,*  
*31 May 1858.*

---

[Bill 97.]

*Under 1 oz.*

7 July 1858. 21 & 22 VICT.



A

# B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to substitute in certain Cases the Bishop of one Diocese for the Bishop of another as a Trustee of certain Trusts.

**W**HEREAS it frequently happens that the Bishop of a Diocese is a Trustee of Real or Personal Estate for charitable or other public Purposes, or is invested with Powers in relation to Charities and public Trusts within his Diocese :  
 5 And whereas, in consequence of the altered Limits of Dioceses in England, it is expedient to make new Provisions for such Cases :  
 Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the  
 10 Authority of the same, as follows :

I. In all Cases in which the Bishop of a Diocese is, as such Bishop, alone, or jointly with any other Person or Persons, Trustee of or invested with any Power of Nomination or Control or other Power in relation to any Charitable Foundation or other Trust for public  
 15 Purposes within or in favour of the Clergy, Parishioners, or other Persons or Objects of or belonging to any Place which at the Time  
 [Bill 186.]

Charity  
 Commis-  
 sioners may  
 make Order  
 enabling  
 Bishop of  
 one Diocese  
 to act for  
 another, as  
 to certain  
 Trusts, &c.  
 when



when such Bishop or his Predecessor was first invested with such Trust or Power was within that Diocese, or concerning any Church or Chapel in any such Place, and by reason of an Alteration of the Limits of the Diocese such Place is transferred to and included in some other Diocese, it shall be lawful for the Charity Commissioners 5 for England and Wales, if it appear to them that such Trust or Power was first so vested in the Bishop or his Predecessor by reason of the Place being then within his Diocese, and may be conveniently vested in the Bishop in whose Diocese such Place is included, to make an Order under their Seal, substituting from the Date thereof, 10 for the first-mentioned Bishop, the Bishop of the Diocese in which such Place is included; and such Order shall operate to vest in such lastly-mentioned Bishop, either solely, or jointly with any other Person or Persons, as the Case may require, all Estate, Property, Stock, Funds, Monies, Securities, Rights, Titles, Patronage, and 15 Authority in relation to the Charity or Trust, as fully and effectually as if he had been originally appointed to have and exercise the same.

CLAUSE A.  
Order to be  
made on the  
Application  
of the  
Bishops or  
of One of  
them.

Savings.

II. Provided, That every Order to be made under this Act shall be made upon the Application of the Bishops concerned in such Order, or One of them; and no such Order shall be made in relation 20 to any Advowson or Right of Patronage or Presentation, Part of the Possessions of a See, which might be exchanged or otherwise disposed of by Scheme of the Ecclesiastical Commissioners, confirmed by Her Majesty in Council; nor shall any such Order under this Act be made in relation to any Ecclesiastical Patronage or Power of 25 Nomination, or Appointment of any Curate, Chaplain, or Spiritual Person under any Trust, without the Consent of the Ecclesiastical Commissioners, under their Common Seal.

How Costs  
to be de-  
frayed.

III. Any Costs necessarily incident to effecting the aforesaid Transfers shall be defrayed by Order of the said Charity Commis- 30 sioners out of the Property, Real or Personal, as the said Charity Commissioners may direct, which shall be transferred as aforesaid.



# Bishops Trusts Substitution.

A

## B I L L

[AS AMENDED IN COMMITTEE]

INTRODUCED

An Act to substitute in certain Cases  
the Bishop of one Diocese for the  
Bishop of another as a Trustee of  
certain Trusts.

(*Brought from the Lords 25 March 1858.*)

---

---

*Ordered, by The House of Commons, to be Printed,  
7 July 1858.*

[Bill 186.]

*Under 1 oz.*



10 June 1858. 21 VICT.



A

# B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for certain Municipal Charities in the City of Bristol.

**W**HEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-seven, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for certain Municipal Charities in the City of Bristol, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.  
5th Report,  
dated 26th  
Feb. 1858.

I. The said Scheme shall be confirmed and take effect.

Scheme  
confirmed.

[Bill 124.]

A

SCHE-

## SCHEDULE.

## SCHEME

For the APPLICATION of certain ACCUMULATED FUNDS and SURPLUS INCOME belonging to the following CHARITIES in the City of BRISTOL now under the Administration of the Trustees of the Municipal Charities of that City, viz. :—Dr. Thomas White's Road Money and Loan Charities, Mary Ann Peloquin's Charity, George Harrington's Charity, Alderman Joseph Jackson's Charity, Sir Abraham Elton's Charity, Mrs. Anne Snigge's Exhibition Charity, George White's Exhibition Charity, and Robert Kitchen's Charity.

## AS TO DR. THOMAS WHITE'S ROAD MONEY AND LOAN CHARITIES.

1. The accumulated surplus funds of the above-mentioned Road Money Charity now in the hands of the trustees thereof (amounting, according to the account rendered by the said trustees for the year ending 30th September 1857, to the sum of 3,869*l.* 8*s.* 7*d.*.) shall be applied and appropriated by the trustees as follows, viz. :—

I. The sum of 700*l.* shall be invested by the said trustees in the public funds in augmentation of the endowment of Queen Elizabeth's Hospital in the said city of Bristol, and the dividends and income arising therefrom shall be appropriated and applied by the trustees towards the support of an additional number of boys at the said Hospital, to be selected from the natives of that portion of the present borough of Bristol which was added by the Municipal Corporations Act to the ancient city or borough.

II. The sum of 1,200*l.* shall be invested by the said trustees in like manner in augmentation of the endowment of the Free Grammar School in the city of Bristol, and the dividends and income arising therefrom shall be applicable to the general purposes of the same school.

III. The sum of 91*l.* 9*s.* 7*d.* shall be paid by the said trustees to the governors of Dr. Thomas White's Temple Hospital at Bristol, in discharge of an excess of expenditure incurred by such governors in the erection of their Livery House beyond the amount already paid to the said governors by the predecessors of the said trustees, in pursuance of an order of the Court of Chancery, dated 6th June 1822.

IV. The residue of the said sum of 3,869*l.* 8*s.* 7*d.* shall be invested by the said trustees in the public funds, and placed to the account of a fund to be called "The Grammar School Exhibition Fund," and the dividends and income to arise therefrom shall be applied by the trustees to the purposes herein-after mentioned and directed with regard to the income of the said last-mentioned fund.

If in any future year or years there shall be any surplus income of the said Road Money Charity which shall not be required for the purposes of the same Charity, the amount of such surplus income shall be invested by the said trustees from time to time in the public funds, in augmentation of the endowment of the said Grammar School, and the dividends and income to arise from such

such investments shall be applied by the said trustees to the general purposes of the same school.

2. The annual payment or sum of 60*l.* now applicable under the trusts of the said Loan Charity in the grant of loans of 30*l.* each for two years to tradesmen of Bristol, shall continue to be applied by the said trustees in granting such loans as heretofore, if and so far as the same shall be required for that purpose; and the accumulated fund (amounting to the sum of 1,540*l.*) which has arisen from the annual payments heretofore received by the said trustees for the purposes of the said Loan Charity, shall be applied by the said trustees as follows, that is to say, the sum of 600*l.*, part of the said last-mentioned accumulated fund, shall be reserved and set apart by the said trustees as a permanent loan fund, which shall be applicable in future, in addition to the said annual payment of 60*l.*, in the grant of loans as heretofore; and the residue of the said last-mentioned accumulated fund shall be invested by the said trustees in the public funds, in augmentation of the endowment of the said Free Grammar School, and the dividends and income thereof shall be applicable to the general purposes of the same school.

3. The said permanent loan fund or sum of 600*l.* shall, with the aforesaid annual payment of 60*l.*, constitute in future the total amount applicable in the grant of loans in respect of the said Loan Charity, and the sums to be hereafter received by the trustees of the same Charity in repayment of loans already granted or to be hereafter granted, shall be applicable, in the first place, in making good any losses which may arise from time to time from the nonpayment of any loan or loans, so as to maintain the said permanent loan fund at the full amount of 600*l.*, and subject thereto, the amount of the sums to be so repaid to the said trustees shall be carried by them from time to time to the account of the income of the aforesaid "Grammar School Exhibition Fund," and shall be applicable as part of the income of the same fund, in the manner and for the purposes herein-after mentioned and directed in that behalf.

AS TO MARY ANN PELOQUIN'S, GEORGE HARRINGTON'S, AND  
ALDERMAN JOSEPH JACKSON'S CHARITIES.

4. The accumulated surplus funds belonging to these Charities respectively, now in the hands of the said trustees, and amounting, according to the account rendered by the said trustees for the year ending 30th September 1857, —

|                                                               | <i>£</i> | <i>s.</i> | <i>d.</i> |
|---------------------------------------------------------------|----------|-----------|-----------|
| As to Mary Ann Peloquin's Charity, to the sum of              | 1,217    | 6         | 10        |
| As to George Harrington's Charity, to the sum of              | 68       | 10        | 0         |
| And as to Alderman Joseph Jackson's Charity, to the<br>sum of | 29       | 4         | 0         |

shall respectively be invested by the said trustees in the public funds, and placed to the account of a fund to be called "The Freemen's Sons' Fund;" and if in any future year or years there shall be any surplus income of the same three Charities respectively, which shall not be required for the respective immediate objects thereof, the amount of such surplus income shall be invested by the said trustees from time to time in like manner, and placed to the account of the same last-mentioned fund; and the dividends and income to arise from the said "Freemen's Sons' Fund" shall be applied by the said trustees in maintaining at Queen Elizabeth's Hospital aforesaid so many sons of freemen of the city



of Bristol, to be elected by the trustees, as the amount of such income shall from time to time permit, and subject to such conditions and regulations as the trustees may from time to time prescribe. Provided, nevertheless, that so far as such income may not be required for the foregoing purpose, the same may be appropriated and applied by the trustees to the general objects of Queen Elizabeth's Hospital aforesaid.

AS TO SIR ABRAHAM ELTON'S CHARITY, AND MRS. ANNE SNIGGE'S AND  
GEORGE WHITE'S EXHIBITION CHARITIES.

5. The accumulated surplus funds of the three last-mentioned Charities respectively (consisting, according to the account rendered by the said trustees for the said year ending the 30th September 1857, as to Sir A. Elton's Charity, of the sum of 30*l.* 5*s.* 9*d.*; as to Mrs. Anne Snigge's Charity, of the sums of 550*l.*, 3*l.* per cent. consols, and 38*l.* cash; and as to George White's Charity, of the sums of 300*l.* 3*l.* per cent. consols, and 36*l.* 3*s.* 10*d.* cash,) shall be placed by the trustees to the account of the said fund called "The Grammar School Exhibition Fund," (the said several sums of cash being first invested by the said trustees in the public funds,) and the dividends and income thereof shall be applied by the trustees to the purposes herein-after mentioned and directed with respect to the income of the same last-mentioned fund; and all future surplus income of the same three Charities respectively, which shall not be required for the immediate purposes thereof, shall also be placed by the trustees from time to time to the account of the income of the said last-mentioned fund, and applied by them as part of such income.

AS TO ROBERT KITCHEN'S CHARITY (SO FAR AS REGARDS THE ANNUAL  
PAYMENT OR SUM OF 26*l.*, DISTRIBUTED IN PURSUANCE OF THE  
TRUSTS OF THE SAME CHARITY IN GIFTS OF 10*s.* EACH AMONGST  
THE POOR OF THE SEVERAL PARISHES IN THE CITY OF BRISTOL).

6. The accumulated surplus fund which has arisen from the above-mentioned annual payment of 26*l.* (amounting, according to the account rendered by the said trustees for the year ending 30th September 1857, to the sum of 69*l.* 10*s.*), and any future annual surplus of the same payment which shall not be required for distribution in the manner prescribed by the founder of the said last-mentioned Charity, shall be placed by the said trustees to the account of the fund for general charitable uses belonging to the same Charity, and shall be applied and disposed of by them to or for such charitable objects or purposes for the benefit of the poor of the city or borough of Bristol as the trustees, or the majority of them, shall from time to time determine.

AS TO "THE GRAMMAR SCHOOL EXHIBITION FUND" TO BE CREATED  
UNDER THE PROVISIONS OF THIS SCHEME.

7. The dividends and annual income arising from the investments and securities, which shall for the time being be placed to the account of this fund in pursuance of the provisions of this scheme, shall be applied by the trustees (so far as the same shall be required for the purpose) in providing two exhibitions, of the amount of 60*l.* each, for boys proceeding from the said school to any University in England (such exhibitions being respectively tenable for three years, and being subject in all other respects to the regulations respecting exhibitions

exhibitions which are contained in the scheme established and now in force under the authority of the Court of Chancery for the government of the said school), and the annual surplus or residue of such dividends and income which shall remain after providing such two exhibitions, or which shall not be actually required for that purpose, shall be applied by the said trustees to the general purposes of the said Grammar School as part of the income thereof. Provided, nevertheless, that the trustees for the time being of the said Municipal Charities of Bristol shall be at liberty to increase the number of the exhibitions under this scheme whenever the income of the said exhibition fund shall permit, if and so far as the circumstances of the school shall, in the opinion of the trustees require or justify such increase.

# Bristol Municipal Charities.

A

## B I L L

INTITLED

An Act for confirming a Scheme of the  
Charity Commissioners for certain Muni-  
cipal Charities in the City of Bristol.

(*Brought from the Lords 1 June 1858.*)

---

*Ordered by The House of Commons, to be Printed,  
10 June 1858.*

---

[Bill 124.]  
*Under 1 oz.*



10 June 1858. 21 VICT.



A

# B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for certain Charities in the Parishes of Saint Nicholas and Saint Leonard in the City of Bristol.

**W**HEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-seven, have reported that they have provisionally approved and  
 5 certified (among other Schemes for the Application and Management of Charities) a Scheme for certain Charities in the Parishes of Saint Nicholas and Saint Leonard in the City of Bristol, and such Scheme is set out in the Appendix to their said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the  
 10 said Scheme should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.

5th Report,  
dated 26th  
Feb. 1858.

I. The said Scheme shall be confirmed and take effect.

Scheme  
confirmed.

[Bill 125.]

A

SCHE-

## SCHEDULE.

## SCHEME

For the ADMINISTRATION and MANAGEMENT of the several CHARITIES in the Parishes of SAINT NICHOLAS and SAINT LEONARD, in the City of Bristol, herein-after mentioned or referred to.

1. The almshouse in the parish of Saint Nicholas, Bristol, founded in or about the year 1652, now under the management of the vestry of the said parish, and its site shall be legally vested in fee simple in the vicar and churchwardens of the same parish, and their successors, as a corporation for this purpose, upon trust that the same may be perpetually used and occupied by fifteen poor aged women of the said parish who shall possess the qualifications, and shall be admitted thereto, as herein-after provided. And the said almshouse and its inmates shall be under the management and direction of a governing body, to be called the Almshouse Committee, to consist of the said vicar and churchwardens and eight other persons to be appointed from time to time as may be necessary for constituting or keeping up their number by the vestry of the said parish, and to be removable in like manner.

2. The inmates shall be appointed by such Committee, and shall be respectable poor women of irreproachable character of not less than fifty years of age, who shall have been resident in the said parish for not less than five years immediately preceding their admission, and shall not have been in the receipt of parochial relief during any part of the last of such years; and that as between applicants whose claims or merits shall be considered by the Committee to be in other respects equal, a preference shall be given to persons in decayed circumstances or condition reduced by unavoidable misfortune or calamity.

3. The vestry of the said parish, or the trustees or others having the disposal of the income arising from the several charitable endowments mentioned in the first schedule hereto heretofore distributable in pecuniary doles or bread or other articles in kind among the poor of the said parish, and of the proportion which is equal to 84*l.* 10*s.* 1*d.* out of every 100*l.* heretofore applicable in like manner of the net rents and profits arising from the property called the Forlorn Hope estate, in the present parish of Saint Paul, Bristol, shall from time to time pay out of such income of each kind, to or for the disposal of the said Almshouse Committee, the clear yearly sum of 200*l.*, or such less yearly sum as shall be equal to one-third part of the net amount of such income, to be applied by the said Committee to the repair and maintenance, and, if occasion shall be, to the improvement or extension of the said almshouse, and to the support and benefit of the inmates thereof appointed under this scheme. And the said Committee shall have a discretionary power to apply any proportions of the monies applicable to the support and benefit of the said inmates in providing for them fuel, clothing, food, attendance in sickness or infirmity, medical aid, or other necessities, and in direct pecuniary allowances to them, or in any of the said modes, as the said Committee shall think fit. The said Committee shall also have power to make any such payments or allowances which, under the circumstances of the case, they may consider expedient, to any persons who shall be inmates of the said almshouse when this scheme shall come into operation, and to permit also such

such persons to remain therein for such respective periods as in the judgment of the said Committee shall be convenient.

All payments directed to be made to or for the disposal of the said Committee may be made to such treasurer, bankers, or other persons as shall from time to time be appointed by them for the purpose of receiving the same.

4. Suitable regulations shall be established by the said Committee, with the approval of the Board of Charity Commissioners for England and Wales, for the direction of their own proceedings, and for the administration, management, and government of the said almshouse, and its endowments, and the inmates thereof, in conformity to this scheme, and such regulations may from time to time be added to or varied by the Committee for the time being, with the like approval.

5. All the residue of the net income arising from the several charitable endowments enumerated in the first schedule hereto, and of the before-mentioned proportion of the net rents and profits of the Forlorn Hope estate, and the net dividends also arising from the several stocks mentioned in the second schedule hereto, with the exception of 200*l.*, part of the therein mentioned sum of 798*l.* 10*s.* 6*d.* 3*l.* per cent. consolidated annuities, the gift of Richard Aldridge, all which said dividends have been also hitherto distributable in pecuniary doles, or bread, or other articles in kind among the poor of the said parish, and also so much of the dividends of the said excepted sum of 200*l.* stock as is now eventually applicable to the like purposes; and also all the dividends arising from a sum of 466*l.* 2*s.* 9*d.* 3*l.* per cent. consolidated bank annuities, constituting a fund called the Almshouse School Fund, standing in the names of Peter Maze the younger, William Henry Terrell, John Smith, and William Hassell, Esquires, and being the investment of contributions formerly made for the support of a parochial school in the said almshouse, or in a building attached thereto, for the benefit of the poor of the said parish of Saint Nicholas, but which school has been discontinued; and, lastly, an annuity of 4*l.*, created by the will of William Pennoyre, dated in the year 1670, and distributable, as to the sum of 5*l.*, in pecuniary doles among the poor of the parish of St. Leonard, Bristol, and as to the residue to educational purposes for the benefit of the same poor, shall altogether constitute a fund, to be called, for the purposes of this scheme, "The Saint Nicholas and Saint Leonard Parochial School Fund," and shall be applicable from time to time in aid or towards the support of the parochial schools recently established, or in a course of construction and establishment by principal inhabitants of the said parishes of Saint Nicholas and Saint Leonard, with the aid of certain public grants, for the joint instruction of the children of the poor of both the same parishes, and for the benefit of the children attending the same schools, as herein-after provided, and shall be paid for such purposes by the respective vestries or trustees of the said several charitable endowments, or other persons liable to pay the same respectively to, or for the disposal, or according to the directions of the School Committee herein-after constituted, or, with the assent of such School Committee, directly to or for the use of the managers of the said parochial schools for the time being, by the hands of their treasurer or other officer authorized to receive the same.

6. The application of the said "Saint Nicholas and Saint Leonard Parochial School Fund" shall belong to or be under the supervision of a Committee, to

[125.] A 2 be



be called "The Saint Nicholas and Saint Leonard School Committee," and to consist of the vicar and churchwardens for the time being of each of the said parishes of Saint Nicholas and Saint Leonard, and twelve other persons, of whom eight shall be appointed, as occasion shall be for constituting or completing their number, by the vestry of the said parish of Saint Nicholas, and shall be removable in like manner, and the remaining four shall be appointed, and shall be also removable in like manner, by the vestry of the said parish of Saint Leonard.

7. Such a proportion of the said school fund as shall be approved by the said School Committee shall from time to time be appropriated under their inspection, and to their satisfaction, to the purpose of providing, so far as the amounts appropriated to this purpose will extend, one or more daily meals, either gratuitously or at a reduced cost, for all the children attending the said schools, or for any such children to whom the distance of their residence from the schools, or the poverty of their parents or next friends, or other circumstances, shall render this provision most beneficial, or to whom this benefit may be assigned by the managers of the schools as a reward of merit, in order particularly to the exemption of such children from the difficulties and loss of time incident to their passing to and from the said schools, and to the promotion of their comfort therein, and the relief of their parents or next friends; and the residue of the said school fund shall be applicable to the general support and purposes of the said schools, either directly by the School Committee, or by means of its transfer by them for that purpose to the managers of the said schools. Provided always, and it shall be part of the terms upon which the said school fund shall be appropriated in manner aforesaid, that reasonable regulations shall be made by the managers of the said schools for exempting children, for whom this exemption shall be claimed in writing by their parents or next friends, dissenting from the Established Church, from receiving compulsorily instruction in the catechism or distinctive doctrines of the Church, and from attending its services.

8. The said School Committee, subject to the approval of the Board of Charity Commissioners for England and Wales, may make and establish, and from time to time extend, revoke, or vary, regulations not inconsistent with this scheme in relation to their proceedings, and to the administration and management of the said parochial school fund, and the discharge of the duties hereby imposed on them.

9. At all meetings of either of the Committees hereby constituted five members thereof shall be sufficient to form a quorum, and a majority of the members present shall be competent to bind by their votes a minority and all absent members, and in case of an equality of votes the chairman shall have a second or casting vote. The vicar of the said parishes, if present, shall be the chairman of every such meeting, and in his absence the chairman shall be elected by the members present.

10. This scheme shall commence and take effect from and after the first day of January next after the establishment thereof by the authority of Parliament, but the trustees or administrators of the several Charities comprised therein shall be at liberty to continue any allowances of money or in kind for a period not exceeding twelve calendar months from that date, or with the consent of the Board of Charity Commissioners for England and Wales, for any longer period  
or

or periods to any then recipients of such allowances to whom, on account of any special circumstances, the said trustees or administrators shall consider it desirable to continue such allowances.

11. If any doubt or question shall arise between the members of either of the said Committees, or among any persons liable to make any payments under this scheme, as to the proper construction or application of any of the provisions thereof or the management of the Charity, application may be made by the said parties respectively, or any of them, to the Board of Charity Commissioners for England and Wales for their opinion and advice thereon, which, when given, shall be binding on all parties; and any provision in this scheme which may require to be explained, or more closely adapted to the circumstances for the time being of the Charity, may be explained and adapted accordingly by an order either of the Court of Chancery or of the said Board, to be made upon the application of either of the said Committees; and any provision in this scheme which shall be found inconvenient or objectionable may be modified accordingly by an order of the Court of Chancery upon the application of either of the said Committees, provided that no such alteration shall be made involving a deviation from the main objects and principles of this scheme.

FIRST SCHEDULE REFERRED TO ABOVE.

| Name of Donor or Founder.                 | Particulars or Nature of Endowment.                                                                                                     | Annual Income. |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <i>Fixed Annual Sums.</i>                 |                                                                                                                                         |                |
| William Tucker                            | - Annual sum charged partly on real estate, and partly on funds, both under the management of the vestry of the parish of St. Nicholas. | £ 2 s. 0 d.    |
| John Brown                                | - Same charged on house in Red Cross Street, and due to the stated Charities, in two of every three years.                              | 1 6 8          |
| John Matthews                             | - Same charged on real estate under the management of the same vestry.                                                                  | 2 0 0          |
| George Snow                               | - Same charged on house in Tucker Street, Bristol                                                                                       | 1 0 0          |
| Elizabeth Tudor                           | - Same charged on house in Thomas Street, Bristol                                                                                       | 0 10 0         |
| Abraham Birking                           | - Same on land at Barton Regis                                                                                                          | 2 0 0          |
| Michael Deyos                             | - Same on house on the Back, Bristol                                                                                                    | 2 12 0         |
| <i>Real Estate yielding Rent Service.</i> |                                                                                                                                         |                |
| Alice Webb                                | - Houses and garden in Lewin's Mead, Bristol, present rents.                                                                            | 7 10 0         |
| Carried forward                           |                                                                                                                                         | 18 18 8        |

| Name of Donor or Founder. | Particulars or Nature of Endowment.                                                                                                                                | Annual Income. |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|                           |                                                                                                                                                                    | £ s. d.        |
|                           | Brought forward                                                                                                                                                    | 18 18 8        |
|                           | <i>Principal Monies all in the hands of the Vestry of the Parish of Saint Nicholas, and as Part of their General Stock charged on the Parish or Church Estate.</i> |                |
|                           | £                                                                                                                                                                  |                |
| William Pitt              | 50                                                                                                                                                                 | 2 12 0         |
| Joan Mitchell             | 10                                                                                                                                                                 | 0 10 0         |
| Charles Reynon            | 20                                                                                                                                                                 | 1 0 0          |
| John Reed                 | 20                                                                                                                                                                 | 1 0 0          |
| William Evans             | 10                                                                                                                                                                 | 0 10 0         |
| James Croft               | 50                                                                                                                                                                 | 2 10 0         |
| William Jackson           | 50                                                                                                                                                                 | 2 10 0         |
| William Bailey            | 50                                                                                                                                                                 | 2 10 0         |
| John Williams             | 10                                                                                                                                                                 | 0 10 0         |
| Christopher Wallis        | 30                                                                                                                                                                 | 1 10 0         |
| Joseph Whitechurch        | 20                                                                                                                                                                 | 1 0 0          |
| John Britam               | 20                                                                                                                                                                 | 1 0 0          |
| Alice James               | 20                                                                                                                                                                 | 1 0 0          |
| Richard Leversedge        | 50                                                                                                                                                                 | 2 10 0         |
| John Gaskarth             | 30                                                                                                                                                                 | 1 10 0         |
| John Haythorne            | 10                                                                                                                                                                 | 0 10 0         |
| John Stephens             | 20                                                                                                                                                                 | 1 0 0          |
| Thomas Hungerford         | 50                                                                                                                                                                 | 2 10 0         |
| Gregory Bush              | 50                                                                                                                                                                 | 2 0 0          |
| Pane Weston               | 20                                                                                                                                                                 | 0 16 0         |
| Richard Willett           | 24                                                                                                                                                                 | 0 19 2         |
| Nathan Drew               | 12                                                                                                                                                                 | 0 12 0         |
| Thomas Hungerford, jun.   | 50                                                                                                                                                                 | 2 10 0         |
| Walter Lougher            | 100                                                                                                                                                                | 4 0 0          |
| Mary Potter               | 25                                                                                                                                                                 | 1 0 0          |
| Mary Packer               | 100                                                                                                                                                                | 4 0 0          |
| Thomas Terrett            | 10                                                                                                                                                                 | 0 10 0         |
| Mary Innys                | 200                                                                                                                                                                | 8 0 0          |
|                           | Total income                                                                                                                                                       | 69 7 10        |

## SECOND SCHEDULE.

A sum of 798*l*. 10*s*. 6*d*. 3*l*. per cent. consolidated bank annuities, standing in the names of Peter Maze, junior, William Henry Terrell, John Smith, and William Hassell, and arising from the several gifts of—

|                 |                       |
|-----------------|-----------------------|
| Henry Bright,   | Abraham Wigginton,    |
| John Help,      | Benjamin Hill,        |
| James Stevens,  | Richard Aldridge, and |
| Mary Bannister, | — Henderson.          |

A sum of 126*l*. 13*s*. 4*d*. 3*l*. per cent. reduced annuities, standing in the names of the same persons, and arising from the gifts of Elizabeth Holmes and Mary Holmes.

A sum of 105*l*. new 3*l*. per cent. annuities, standing in the names of the same persons and arising from the gift of Robert Salmon.





**Bristol St. Nicholas and  
St. Leonard's Charities.**

---

A

**B I L L**

INTITLED

An Act for confirming a Scheme of the  
Charity Commissioners for certain  
Charities in the Parishes of Saint  
Nicholas and Saint Leonard in the  
City of Bristol.

*(Brought from the Lords 1 June 1858.)*

---

*Ordered, by The House of Commons, to be Printed,  
10 June 1858.*

---

[Bill 125.]

*Under 1 oz.*



A

# B I L L

TO

## Repeal the Stamp Duties payable on Matriculation and Degrees in the University of Cambridge.

**W**HEREAS by an Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of Her Majesty (Chapter Eighty-eight) "to make further Provision for the good Government and Extension of the University of Cambridge, of the Colleges therein, and of the College of King Henry the Sixth at Eton," it was enacted, that the Stamp Duties then payable on Matriculations and Degrees should be abolished so soon as Provision should have been made by the University, to the Satisfaction of the Commissioners of Her Majesty's Treasury, in lieu of the Monies theretofore voted annually by Parliament: And whereas by a Grace or Statute of the said University, passed by the Senate in Cnogregation on the Tenth Day of December One thousand eight hundred and fifty-seven, Provision has been made for the Payment out of the University Chest of the Salaries and Allowances to certain Professors of the said University, mentioned in the Schedule to this Act, (being the same Salaries and Allowances as were heretofore annually voted by Parliament to the said Professors,) and the Commissioners of Her Majesty's Treasury are satisfied that such Statute is a due Provision in lieu of the Monies theretofore voted annually

Preamble.  
19 & 20 Vict.  
c. 88. s. 47.

[Bill 28.] by



by Parliament, as intended by the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

5

Stamp Duties on Matriculation and Degrees in Cambridge repealed.

I. All Stamp Duties payable under the Act of the Fifty-fifth Year of King George the Third, Chapter One hundred and eighty-four, or under any other Act of Parliament, on the Admission or Matriculation of any Person in the said University of Cambridge, and on the Admission of any Person to any Degree in the said University 10 (whether conferred in the ordinary Course of the University or otherwise), or for the Registry or Entry of any such Admission, shall, from and after the *First Day of April next*, cease to be payable.

Salaries made payable by the University not to be discontinued without Consent of the Treasury.

II. No Salary or Allowance payable under the said Grace or Statute 15 of the said University to any Professor mentioned in the Schedule to this Act shall be discontinued or reduced without the Consent of the Commissioners of Her Majesty's Treasury.

## SCHEDULE.

|                                    | £   |
|------------------------------------|-----|
| To the Professor of Modern History | 371 |
| To the Professor of Civil Law      | 100 |
| To the Professor of Chemistry      | 100 |
| To the Professor of Anatomy        | 100 |
| To the Professor of Botany         | 182 |
| To the Jacksonian Professor        | 100 |
| To the Professor of Mineralogy     | 100 |



Cambridge University  
Matriculation and Degrees.

---

A

B I L L

To repeal the Stamp Duties payable  
on Matriculation and Degrees in the  
University of Cambridge.

(Prepared and brought in by  
Mr. Hamilton and Mr. Secretary Walpole.)

---

*Ordered, by The House of Commons, to be Printed,*  
*15 March 1858.*

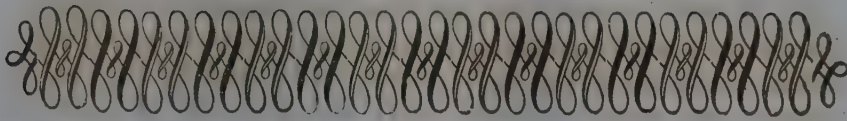
---

[Bill 28.]

*Under 1 oz.*



15 April 1858. 21 VICT.



A

# B I L L

TO

## Amend the Course of Procedure in the High Court of Chancery.

**W**HEREAS it is expedient to amend further the Practice and Course of Proceeding in the High Court of Chancery: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. This Act shall commence and take effect from and after the *First Day of November One thousand eight hundred and fifty-eight*, and may be cited and referred to as "The Chancery Amendment Act, 1858."

II. In all Cases in which the Court of Chancery has Jurisdiction to entertain an Application for an Injunction against a Breach of any Covenant, Contract, or Agreement, or against the Commission or Continuance of any wrongful Act, or for the specific Performance of any Covenant, Contract, or Agreement, it shall be lawful for the same Court to award Damages to the Party injured, either in addition to or in substitution for such Injunction or specific Performance, and such Damages may be assessed in such Manner as the Court shall direct.

[Bill 46.]

III. It

Assessment  
of Damages  
and Trial of  
Question of  
Fact by  
Jury before  
Court itself.

(See 20 &  
21 Vict.  
c.77.ss.35-7.)

III. It shall be lawful for the Court of Chancery to cause the Amount of such Damages in any Case to be assessed or any Question of Fact arising in any Suit or Proceeding to be tried by a Special or Common Jury before the Court itself; and the Court of Chancery may make all such Rules and Orders upon the Sheriff or any other 5 Person for procuring the Attendance of a Special or Common Jury, for such Assessment of Damages or the Trial of such Question of Fact, as may be made by any of the Superior Courts of Common Law at Westminster, and may also make any other Orders which to the Court of Chancery may seem requisite; and every such Jury 10 shall consist of Persons possessing the Qualifications, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Jurymen so summoned shall be entitled to the same Rights and subject to the same Duties and Liabilities 15 as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Assessment of Damages or the 20 Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials, the Court of Chancery shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof for the like Purposes. 25

Question to  
be reduced  
into Writing.

IV. Any Question of Fact and any Question as to the Amount of Damages which shall be so ordered to be tried by a Jury before the Court itself shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; 30 and upon every such Trial the Court of Chancery shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius.

Powers  
given by  
15 & 16 Vict.  
c. 86. s. 63.  
extended to  
this Act.

V. The Powers of making General Rules and Orders given by the Act of the Session of the Fifteenth and Sixteenth Years of Queen 35 Victoria, Chapter Eighty-six, Section Sixty-three, shall extend to and include the summoning of Jurors and Witnesses, the Assessment of Damages, and the Trial of Questions of Fact, and generally the Course of Procedure of the Court in relation to all the Matters aforesaid.





# Chancery Amendment.

---

A

## B I L L

To amend the Course of Procedure in  
the High Court of Chancery.

(Prepared and brought in by  
*Mr. Solicitor General, Mr. Attorney General,  
and Mr. Secretary Walpole.*)

---

*Ordered, by The House of Commons, to be Printed,  
15 April 1858.*

---

[Bill 46.]

*Under 1 oz.*

26 April 1858. 21 VICT.



A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Course of Procedure in the High  
Court of Chancery.

---

*The Clauses marked A. to E. were added in Committee.*

---

**W**HEREAS it is expedient to amend further the Practice Preamble.  
and Course of Proceeding in the High Court of Chan-  
cery: Be it enacted by the Queen's most Excellent  
Majesty, by and with the Advice and Consent of the Lords  
5 Spiritual and Temporal, and Commons, in this present Parliament  
assembled, and by the Authority of the same, as follows:

I. This Act shall commence and take effect from and after the Commence-  
ment of Act.  
First Day of November One thousand eight hundred and fifty-eight,  
and may be cited and referred to as "The Chancery Amendment  
10. Act, 1858."

II. In all Cases in which the Court of Chancery has Jurisdiction to Court of  
Chancery  
may award  
Damages in  
certain  
Cases.  
entertain an Application for an Injunction against a Breach of any  
Covenant, Contract, or Agreement, or against the Commission or  
Continuance of any wrongful Act, or for the specific Performance of  
15 any Covenant, Contract, or Agreement, it shall be lawful for the same  
Court to award Damages to the Party injured, either in addition to  
or in substitution for such Injunction or specific Performance, and such  
Damages may be assessed in such Manner as the Court shall direct.

[Bill 62.]

III. It

Assessment  
of Damages  
and Trial of  
Question of  
Fact by  
Jury before  
Court itself.

(See 20 &  
21 Vict.  
c.77.ss.35-7.)

III. It shall be lawful for the Court of Chancery to cause the Amount of such Damages in any Case to be assessed or any Question of Fact arising in any Suit or Proceeding to be tried by a Special or Common Jury before the Court itself; and the Court of Chancery may make all such Rules and Orders upon the Sheriff or any other 5 Person for procuring the Attendance of a Special or Common Jury, for such Assessment of Damages or the Trial of such Question of Fact, as may be made by any of the Superior Courts of Common Law at Westminster, and may also make any other Orders which to the Court of Chancery may seem requisite; and every such Jury 10 shall consist of Persons possessing the Qualifications, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights and subject to the same Duties and Liabilities 15 as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Assessment of Damages or the 20 Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials, the Court of Chancery shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof for the like Purposes; provided that from any Order made by the Court on an 25 Application made for a new Trial there shall be the same Right of Appeal as from any other Order of the Court.

Question to  
be reduced  
into Writing.

IV. Any Question of Fact and any Question as to the Amount of Damages which shall be so ordered to be tried by a Jury before the Court itself shall be reduced into Writing in such Form as the Court 30 shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Chancery shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius. 35

CLAUSE A.  
Damages  
may be as-  
sessed or any  
Question of  
Fact may be  
tried before  
the Court  
itself without  
a Jury.

V. It shall also be lawful for the Court of Chancery to cause the Amount of such Damages in any Case to be assessed, or any Question of Fact arising in any Suit or Proceeding to be tried before the Court itself without a Jury, and to cause the Evidence on the Trial of that Question to be taken by the oral Examination of 40 Witnesses and other Proofs in open Court; and any Question of Fact, and any Question as to the Amount of Damages which shall be so ordered to be tried before the Court itself, shall be reduced into Writing



Writing in such Form as the Court shall direct; and the Verdict of the Judge shall be of the same Effect as the Verdict of a Jury under this Act, save that it shall not be questioned on the Ground of being against the Weight of Evidence; and the Proceedings upon and after such Trial, as to the Power of the Court, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury under this Act: Provided, that, in the Case of a Trial under this Section, any Person may apply for a new Trial, either to the Judge before whom the Trial was had, or to the Court of Appeal in Chancery.

(See 17 & 18  
Vict. c. 125.  
s. 1.)

10 VI. It shall also be lawful for the Court of Chancery, in any Case in which it shall think fit so to do, to cause the Amount of such Damages to be assessed by a Jury before any Judge of one of the Superior Courts of Common Law at Nisi Prius, or at the Assizes, or before the Sheriff of any County or City, and for that Purpose to  
15 issue a Precept to the Sheriff of such County or City as the Court of Chancery shall think fit, or where the Sheriff is interested then to the Coroner, requiring him to return, summon, and impanel a Common or Special Jury for the Purpose aforesaid, in like Manner as is done in Cases of Writs of Inquiry at Common Law, which are to be  
20 executed before a Judge or before the Sheriff; and the Court of Chancery shall have Power to set aside the Verdict or Requisition on such Inquiry, and to direct a new Inquiry, in such Manner and on such Terms as the Court shall think fit.

CLAUSE B.  
Damages may be assessed by a Jury before any Judge of one of the Superior Courts of Common Law at Nisi Prius, or before the Sheriff of any County or City.

25 VII. In any Case in which all Parties to a Suit are competent to make Admissions, any Party may call on any other Party by Notice to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect to admit, the Cost of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless at the Trial the Judge shall  
30 certify that the Refusal to admit was reasonable; and no Costs of proving any Document shall be allowed unless such Notice be given, except in Cases where the Omission to give the Notice is, in the Opinion of the Taxing Master, a saving of Expense.

CLAUSE C.  
Where Parties are competent to make Admissions, any Party may call on any other Party to admit Documents.

35 VIII. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice Chancellors, or any Three of them, may, and they are hereby required, from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and  
40 generally the Practice of the said Court, in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to

CLAUSE D.  
Lord Chancellor, &c. may make Rules for Procedure and Fees.

to all Officers of the said Court and Solicitors thereof in respect to such Matters, and so far as may be found expedient for altering the Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates, or any of them, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority, and all such Rules and Orders shall take effect as General Orders of the said Court. 5

CLAUSE E.  
Rules and  
Orders to be  
laid before  
Parliament.

IX. All General Rules and Orders of the Lord Chancellor, with such Advice and Assistance as aforesaid, shall immediately after the making and issuing thereof be laid before both Houses of Parliament, if Parliament be then sitting, or, if Parliament be not then sitting, within Five Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole, or such Part thereof as shall be so included in such Resolution, shall from and after such Resolution cease to be binding. 10 15

## *Chancery Amendment.*

A

## **B I L L**

[AS AMENDED IN COMMITTEE]

To amend the Course of Procedure in  
the High Court of Chancery.

(Prepared and brought in by  
Mr. Solicitor General, Mr. Attorney General,  
and Mr. Secretary Walpole.)

*Ordered, by The House of Commons, to be Printed,*  
26 April 1858.

[Bill 62.]

*Under 1 oz.*

14 May 1858. 21 VICT.



A

# B I L L

[AS AMENDED IN COMMITTEE, ON RECOMMITMENT, AND ON  
CONSIDERATION OF BILL AS AMENDED]

TO

Amend the Course of Procedure in the High  
Court of Chancery, the Court of Chancery in  
Ireland, and the Court of Chancery of the  
County Palatine of Lancaster.

- W**HEREAS it is expedient to amend further the Practice Preamble.  
and Course of Proceeding in the High Court of Chan-  
cery, the Court of Chancery in Ireland, and the Court of  
Chancery of the County Palatine of Lancaster: Be it enacted by the  
5 Queen's most Excellent Majesty, by and with the Advice and Consent  
of the Lords Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same, as follows:
- I. This Act shall commence and take effect from and after the Commence-  
First Day of November One thousand eight hundred and fifty-eight, ment of Act.  
10 and may be cited and referred to as "The Chancery Amendment  
Act, 1858."
- II. In all Cases in which the Court of Chancery has Jurisdiction to Court of  
entertain an Application for an Injunction against a Breach of any Chancery  
Covenant, Contract, or Agreement, or against the Commission or may award  
15 Continuance of any wrongful Act, or for the specific Performance of Damages in  
any Covenant, Contract, or Agreement, it shall be lawful for the same Certain  
Court to award Damages to the Party injured, either in addition to Cases.  
or in substitution for such Injunction or specific Performance, and such  
Damages may be assessed in such Manner as the Court shall direct.
- [Bill 87.] III. It



Assessment  
of Damages  
and Trial of  
Question of  
Fact by  
Jury before  
Court itself.

(See 20 &  
21 Vict.  
c.77.ss.35-7.)

III. It shall be lawful for the Court of Chancery to cause the Amount of such Damages in any Case to be assessed or any Question of Fact arising in any Suit or Proceeding to be tried by a Special or Common Jury before the Court itself; and the Court of Chancery may make all such Rules and Orders upon the Sheriff or any other 5 Person for procuring the Attendance of a Special or Common Jury, for such Assessment of Damages or the Trial of such Question of Fact, as may be made by any of the Superior Courts of Common Law at Westminster, and may also make any other Orders which to the Court of Chancery may seem requisite; and every such Jury 10 shall consist of Persons possessing the Qualifications, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Jurymen so summoned shall be entitled to the same Rights and subject to the same Duties and Liabilities 15 as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause; and generally for all Purposes of or auxiliary to the Assessment of Damages or the 20 Trial of Questions of Fact by a Jury before the Court itself, and in respect of new Trials, the Court of Chancery shall have the same Jurisdiction, Powers, and Authority in all respects as belong to any Superior Court of Common Law, or to any Judge thereof for the like Purposes; provided that from any Order made by the Court on an 25 Application made for a new Trial there shall be the same Right of Appeal as from any other Order of the Court.

Question to  
be reduced  
into Writing.

IV. Any Question of Fact and any Question as to the Amount of Damages which shall be so ordered to be tried by a Jury before the 5 Court itself shall be reduced into Writing in such Form as the Court 30 shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court of Chancery shall have the same Powers, Jurisdiction, and Authority as belong to any Judge of any of the said Superior Courts sitting at Nisi Prius. 35

CLAUSE A.  
Damages  
may be as-  
sessed or any  
Question of  
Fact may be  
tried before  
the Court  
itself without  
a Jury.

V. It shall also be lawful for the Court of Chancery to cause the Amount of such Damages in any Case to be assessed, or any Question of Fact arising in any Suit or Proceeding to be tried before the Court itself without a Jury, and to cause the Evidence on the 40 Trial of that Question to be taken by the oral Examination of 40 Witnesses and other Proofs in open Court; and any Question of Fact, and any Question as to the Amount of Damages which shall be so ordered to be tried before the Court itself, shall be reduced into Writing

Writing in such Form as the Court shall direct; and the Verdict of the Judge shall be of the same Effect as the Verdict of a Jury under this Act; and the Proceedings upon and after such Trial, as to the Power of the Court, the Evidence, and otherwise, shall be the same as in the Case of Trial by Jury under this Act: Provided, that, in the Case of a Trial under this Section, any Person may apply for a new Trial, either to the Judge before whom the Trial was had, or to the Court of Appeal in Chancery.

(See 17 & 18  
Vict. c. 125.  
s. 1.)

VI. It shall also be lawful for the Court of Chancery, in any Case in which it shall think fit so to do, to cause the Amount of such Damages to be assessed by a Jury before any Judge of one of the Superior Courts of Common Law at Nisi Prius, or at the Assizes, or before the Sheriff of any County or City, and for that Purpose to issue a Precept to the Sheriff of such County or City as the Court of Chancery shall think fit, or where the Sheriff is interested then to the Coroner, requiring him to return, summon, and impanel a Common or Special Jury for the Purpose aforesaid, in like Manner as is done in Cases of Writs of Inquiry at Common Law, which are to be executed before a Judge or before the Sheriff; and the Court of Chancery shall have Power to set aside the Verdict or Inquisition on such Inquiry, and to direct a new Inquiry, in such Manner and on such Terms as the Court shall think fit.

CLAUSE B.  
Damages may be assessed by a Jury before any Judge of one of the Superior Courts of Common Law at Nisi Prius, or before the Sheriff of any County or City.

VII. In any Case in which all Parties to a Suit are competent to make Admissions, any Party may call on any other Party by Notice to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect to admit, the Cost of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless the Court shall certify that the Refusal to admit was reasonable; and no Costs of proving any Document shall be allowed unless such Notice be given, except in Cases where the Omission to give the Notice is, in the Opinion of the Taxing Master, a saving of Expense.

CLAUSE C.  
Where Parties are competent to make Admissions, any Party may call on any other Party to admit Documents.

VIII. Sections I., II., III., IV., V., VI., and VII. of this Act shall extend to and all the Powers therein contained may be exercised by the Court of Chancery in Ireland in all Suits and Proceedings within its Jurisdiction, and the Court may, for the Purposes of this Act, make such Rules and Orders upon the Sheriff, or any other Person, for procuring the Attendance of a Jury as may be made by any of the Superior Courts of Common Law at Dublin.

CLAUSE D 1.  
Sections 1, 2, 3, 4, 5, 6, and 7. to extend to Court of Chancery in Ireland.

IX. The Lord Chancellor of Ireland, with the Advice and Assistance of the Master of the Rolls and the Lord Justice of Appeal in Ireland,

CLAUSE D 2.  
Lord Chancellor, &c. in

Ireland may  
make Rules  
for Proce-  
dure and  
Fees.

Ireland, or either of them, may and they are hereby required from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect as regards the Court of Chancery in Ireland, and for regulating the Times and Forms and Mode of Procedure, and generally the Practice of the said Court in respect of the 5 Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers of the said Court and Solicitors thereof in respect to such Matters, and so far as may be found expedient for altering the Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates or any of them, and such 10 Rules and Orders may from Time to Time be rescinded or altered by the like Authority, and all such Rules and Orders shall take effect as General Orders of the said Court.

CLAUSE D 3.  
Sections 1,  
2, 3, 4, 5, 6,  
and 7 to  
extend to  
Court of  
Chancery of  
County  
Palatine of  
Lancaster.

X. Sections I., II., III., IV., V., VI., and VII. of this Act shall extend to and all the Powers therein contained may be exercised by the Court of Chancery of the County Palatine of Lancaster within 15 the Jurisdiction of the said Court; and the Chancellor of the Duchy and County Palatine of Lancaster, with the Advice and Assistance of the Lords Justices of the Court of Appeal in the High Court of Chancery, or one of them, and of the Vice Chancellor of the County Palatine, may and they are hereby required from Time to Time to 20 make such General Rules and Orders as may be necessary for assimilating the Procedure and Practice of the Palatine Court in respect of the Matters aforesaid to those of the High Court of Chancery, and for regulating the Fees and Allowances in respect thereof. 25

CLAUSE D.  
Lord Chan-  
cellor, &c.  
may make  
Rules for  
Procedure  
and Fees.

XI. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lords Justices of the Court of Appeal in Chancery, and the Vice Chancellors, or any Three of them, may, and they are hereby required, from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect, 30 and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the said Court, in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers of the said Court and Solicitors thereof in respect to such Matters, and so far as may be found expedient for altering the 35 Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates, or any of them, and such Rules and Orders may from Time to Time be rescinded or altered by the like Authority, and all such Rules and Orders shall take effect as General Orders of the said Court. 40

XII. All



- XII. All General Rules and Orders made in pursuance of the Powers contained in this Act shall, immediately after the making and issuing thereof, be laid before both Houses of Parliament, if Parliament be then sitting, or, if Parliament be not then sitting, CLAUSE E.  
Rules and  
Orders to be  
laid before  
Parliament.
- 5 within Five Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such Rules or Orders ought not to continue in force, in such
- 10 Case the whole, or such Part thereof as shall be so included in such Resolution, shall from and after such Resolution cease to be binding.

# Chancery Amendment.

---

A

## B I L L

[AS AMENDED IN COMMITTEE, ON RECOM-  
MITMENT, AND ON CONSIDERATION OF BILL  
AS AMENDED]

To amend the Course of Procedure in  
the High Court of Chancery, the Court  
of Chancery in Ireland, and the Court  
of Chancery of the County Palatine of  
Lancaster.

(Prepared and brought in by  
Mr. Solicitor General, Mr. Attorney General, and  
Mr. Secretary Walpole.)

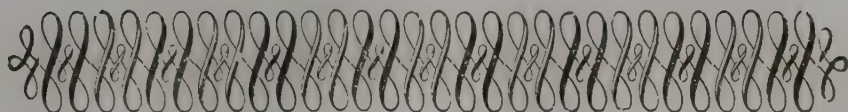
---

*Ordered, by The House of Commons, to be Printed,*  
*14 May 1858.*

---

[Bill 87.]

*Under 1 oz.*



A

# B I L L

FURTHER

To continue the Exemption of certain Charities  
from the Operation of the Charitable Trusts  
Acts.

**W**HEREAS by "The Charitable Trusts Act, 1853," it was Preamble.  
provided, that that Act should not, for the Period of Two 16 & 17 Vict.  
Years from the passing thereof, extend or be in any c. 137.  
Manner applied to Charities or Institutions the Funds or Income of  
5 which were applicable exclusively for the Benefit of Persons of the  
Roman Catholic Persuasion, and which were under the Superintendence  
or Control of Persons of that Persuasion: And whereas by "The 18 & 19 Vict.  
Charitable Trusts Amendment Act, 1855," such Charities or Institu- c. 124.  
tions as aforesaid were exempted in like Manner from the Operation  
10 of the said Amendment Act, and the Exemption so extended was  
continued until the First Day of September One thousand eight  
hundred and fifty-six, and has since been extended to the First Day 20 & 21 Vict.  
of September One thousand eight hundred and fifty-eight: And c. 76.  
whereas it is expedient that such Exemption should be continued as  
15 herein-after mentioned: Be it therefore enacted by the Queen's most  
Excellent Majesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons, in this present Parlia-  
ment assembled, and by the Authority of the same, as follows:

[Bill 199.]

I. That



Exemption  
continued  
until 1st  
September  
1859.

I. The said Acts shall not, until the *First Day of September One thousand eight hundred and fifty-nine*, extend or be in any Manner applied to the Charities or Institutions aforesaid.



# Charitable Trusts Acts Continuance.

---

A

## B I L L

Further to continue the Exemption of  
certain Charities from the Operation  
of the Charitable Trusts Acts.

(*Prepared and brought in by*  
*Mr. Hardy and Mr. Secretary Walpole.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*12 July 1858.*

---

[Bill 199.]

*Under 1 oz.*



10 May 1858. 21 VICT.



A

# B I L L

TO

Amend the Act of the Ninth and Tenth Years of  
Her present Majesty, Chapter Thirty-nine, and  
abolish Foot Passenger Tolls on Chelsea Bridge  
after Payment of the Sum of Ninety-eight  
thousand seven hundred and seventy-seven  
Pounds Ten Shillings and Sixpence.

**W**HEREAS by the Act of the Ninth and Tenth Years of Preamble.  
Her Majesty, Chapter Thirty-nine, the Commissioners of 9 & 10 Vict.  
Her Majesty's Woods, Forests, Land Revenues, Works, c. 39.  
and Buildings were empowered to construct (amongst other Works)  
5 a Bridge across the River Thames, from a Point near Chelsea  
Hospital to a Point near the Red House, with convenient Approaches  
thereto, together with convenient Piers, Stairs, Hards, and Landing  
Places, and to take Tolls for the Passage of any Foot Passengers, or  
any Horse, Mule, Ass, or other Beast, or any Coach, Waggon, Cart,  
10 or other Vehicle, over or on to the said Bridge, Piers, or Landing  
Places, or for any Vessel, Barge, or Boat mooring or touching at, or  
landing Passengers, Goods, or other Freight at, any such Pier or  
[Bill 79.] Landing

9 & 10 Vict.  
c. 83.

Landing Places; and it was by the said Act directed that all such Tolls as aforesaid, and all Rents for the same, and all Monies to be received by the said Commissioners in respect of Penalties, Fines, or Forfeitures under the said Act, should be applied (after defraying the Expenses of the Management and Collection of the Tolls and keeping 5 and maintaining the Works in the said Act mentioned) in Payment of all Advances by the State in and towards the Works and Improvements by the said Act authorized, and, subject as aforesaid, that all the Surplus (if any) of the said Monies should form a Fund for such Metropolitan Improvements as the Legislature should determine and 10 should be applied accordingly: And whereas under and by virtue of the said Act and of the Act of the Ninth and Tenth Years of Her Majesty, Chapter Eighty-three, the Commissioners for carrying the first-mentioned Act into execution, were empowered to borrow upon the Security herein-after mentioned, and have accordingly borrowed 15 from the Commissioners for the Issue of Loans for Public Works and Fisheries, &c., divers Sums of Money for the Purpose of executing the Works by the said first-mentioned Act authorized, which Sums so borrowed amount in the whole to the Principal Sum of Eighty thousand Pounds, the Repayment whereof, with Interest at the Rate of 20 Four per Cent. per Annum, is secured by Assignments by way of Mortgage of the Tolls herein-before mentioned, and of all other Monies to be received under the Authority of the said first-mentioned Act, and there was upon the Thirty-first Day of March in the Year of our Lord One thousand eight hundred and fifty-eight due and owing 25 upon such Securities the said Sum of Eighty thousand Pounds, and in respect of Interest the Sum of Eighteen thousand seven hundred and seventy-seven Pounds Ten Shillings and Sixpence, making together the Sum of Ninety-eight thousand seven hundred and seventy-seven Pounds Ten Shillings and Sixpence: And whereas the said Bridge 30 was constructed and opened to the Public on the Twenty-ninth Day of March in the Year of our Lord One thousand eight hundred and fifty-eight: And whereas it is expedient that the said Act should be amended and in part repealed, as herein-after mentioned, and that no further Sum should be payable in respect of the said Loan than the 35 said Sum of Ninety-eight thousand seven hundred and seventy-seven Pounds Ten Shillings and Sixpence: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 40

So much of  
9 & 10 Vict.  
c. 39. as  
directs that  
all surplus  
Monies

I. So much of the Act of the Ninth and Tenth Years of Her Majesty, Chapter Thirty-nine, as directs that all the Surplus (if any) of the Monies arising from Tolls by the said Act authorized to be taken, Rents for the same, or Penalties, Fines, and Forfeitures under the

*Chelsea Bridge Act Amendment.*

3

the said Act, shall form a Fund for such Metropolitan Improvements as the Legislature shall determine and shall be applied accordingly, is hereby repealed.

arising from  
Tolls, &c.  
shall form  
a Fund for  
Metropolitan  
Improvements,  
repealed.

II. No further Interest shall be payable on the said Principal Sum  
5 of Eighty thousand Pounds so due and owing to the Commissioners  
for the Issue of Loans for Public Works and Fisheries, &c., or on any  
Part thereof, and Interest shall be considered as having ceased to  
accrue thereon, from and after the *Thirty-first Day of March One*  
*thousand eight hundred and fifty-eight*, and when the said Sum of  
10 Ninety-eight thousand seven hundred and seventy-seven Pounds  
Ten Shillings and Sixpence, without Interest, shall have been paid to  
the said Commissioners, the said Securities held by them shall become  
void and of no Effect.

Further  
Interest on  
Principal  
Sum to  
cease.

III. From and after the Time when the said Sum of Ninety-eight  
20 thousand seven hundred and seventy-seven Pounds Ten Shillings  
and Sixpence shall have been paid off as aforesaid, no Toll shall be  
demanded or taken for or in respect of Foot Passengers passing over  
or on to the said Bridge.

When  
98,777*l.* 10*s*  
6*d.* shall  
have been  
paid off, no  
Toll to be  
taken for  
Foot Pas-  
sengers  
passing over  
Chelsea  
Bridge.



# Chelsea Bridge Act Amendment.

---

A

## B I L L

To amend the Act of the Ninth and Tenth Years of Her present Majesty, Chapter Thirty-nine, and abolish Foot Passenger Tolls on Chelsea Bridge after Payment of the Sum of Ninety-eight thousand seven hundred and seventy-seven Pounds Ten Shillings and Sixpence.

*(Prepared and brought in by  
Lord John Manners and Mr. Hamilton.)*

---

*Ordered, by The House of Commons, to be Printed,  
10 May 1858.*

---

[Bill 79.]

*Under 1 oz.*



A

# BILL

TO

Effect an Exchange between the Commissioners of Chelsea Hospital and the Governor and Company of Chelsea Waterworks of Lands in the Parishes of Saint George Hanover Square and Saint Margaret Westminster in the County of Middlesex.

**W**HEREAS by an Agreement in Writing, made and entered  
 into the Twenty-fourth Day of September in the Year of  
 our Lord One thousand eight hundred and fifty-seven,  
 between the Lords and other Commissioners for the Government of  
 5 the Royal Hospital at Chelsea and the Out-Pensioners thereunto  
 belonging, in the County of Middlesex, therein-after called the Com-  
 missioners of Chelsea Hospital, of the one Part, and the Governor  
 and Company of Chelsea Waterworks of the other Part, after  
 reciting that the said Commissioners of Chelsea Hospital were seised  
 10 for an Estate in Fee Simple in possession of the Piece or Parcel of  
 Ground specified in the First Schedule to this Act, subject neverthe-  
 less to certain Annuities and Fee-farm Rents charged thereon by the  
 Will of the Right Honourable Richard late Earl Grosvenor, and  
 otherwise, but which Annuities and Rents were also charged on other  
 [Bill 43.] A large

## 2 *Chelsea Hospital and Waterworks Exchange of Lands.*

Chelsea Waterworks,  
recited.

large Estates of great Value, and on the Purchase of which said Land and Hereditaments specified in the said First Schedule to this Act, together with other Hereditaments, by the said Commissioners of Chelsea Hospital, from the Grand Junction Waterworks Company, the said Grand Junction Waterworks Company gave to the said 5 Commissioners of Chelsea Hospital their Bond under their Common Seal, dated the Eighth Day of November One thousand eight hundred and forty-three, in the Sum of Twelve thousand Pounds, for indemnifying the said Commissioners of Chelsea Hospital, their Heirs and Assigns, and the said Hereditaments so purchased by them, from 10 the said Annuities and Fee-farm Rents, and all Costs occasioned thereby; and reciting that the said Governor and Company of Chelsea Waterworks were seised for an Estate in Fee Simple in possession of the Piece or Parcel of Ground specified in the Second Schedule to this Act; and reciting that the said Two Parcels of 15 Ground were of the same Value, and that it would be greatly for the Advantage of both the Parties thereto to exchange the same; it was by the said Agreement now in recital mutually agreed between the Parties thereto in manner following; that is to say, that they the said Commissioners of Chelsea Hospital should and would, at their own 20 Costs and Charges, use their best Endeavours to obtain an Act of Parliament to effect an Exchange of the said Parcels of Land, so that the said Land and Hereditaments specified in the said First Schedule to this Act, with their Rights, Members, and Appurtenances, might become and be vested in the said Governor and Company of Chelsea 25 Waterworks, their Successors and Assigns, freed and discharged from all Uses, Estates, Charges, Trusts, Conditions, Rights, and Powers then affecting the same, and to be by them held to the same Uses, for the same Estates, upon the same Trusts, and with, under, and subject to the same Charges, Rights, Powers, and Provisions, as the 30 Land and Hereditaments specified in the said Second Schedule to this Act were then held upon or subject to; and so that the said Land and Hereditaments specified in the said Second Schedule to this Act, with their Rights, Members, and Appurtenances, might become and be vested in the said Commissioners of Chelsea Hospital, their Suc- 35 cessors and Assigns, freed and discharged from all Uses, Estates, Charges, Trusts, Conditions, Rights, and Powers then affecting the same, and to be by them held to the same Uses, for the same Estates, upon the same Trusts, and with, under, and subject to the same Charges, Rights, Powers, and Provisions, as the Land and Heredita- 40 ments specified in the said First Schedule to this Act were then held upon or subject to; and to the Intent that the Benefit of the said Bond of the said Grand Junction Waterworks Company, and of all other Bonds or Covenants for the Indemnity of the said Commissioners of Chelsea Hospital, and the said Land and 45 Hereditaments



Hereditaments specified in the said First Schedule to this Act, from the said Annuities and Fee-farm Rents, might enure or continue for the Benefit of the same Commissioners, their Successors and Assigns, and of the said Land and Hereditaments specified in the said Second  
5 Schedule to this Act; and that they the said Governor and Company of Chelsea Waterworks should and would, at their own Costs and Charges, give such Consents as should be necessary on their Part for obtaining an Act of Parliament to effect such Exchange as was therein-before mentioned: And whereas it is expedient that the Ex-  
10 change mentioned in the said Agreement should be carried into effect, but the same cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and  
15 Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The said Land and Hereditaments specified in the said First Schedule to this Act shall forthwith absolutely vest in the said Governor and Company of Chelsea Waterworks, their Successors  
20 and Assigns, to the Intent and in the Manner in the said Agreement expressed; and the said Land and Hereditaments specified in the said Second Schedule to this Act shall forthwith absolutely vest in the said Lords and other Commissioners for the Government of the Royal Hospital at Chelsea and the Out-Pensioners  
25 thereunto belonging, their Successors and Assigns, to the Intent and in the Manner in the said Agreement expressed; and the Benefit of the said Bond of the Grand Junction Waterworks Company, and of all other Bonds or Covenants for the Indemnity of the said Commissioners of Chelsea Hospital, and of the said Land and Heredita-  
30 ments comprised in the said First Schedule hereto, from the said Annuities and Fee-farm Rents, shall henceforth enure or continue for the Benefit and Indemnity of the same Commissioners, their Successors and Assigns, and of the said Land and Hereditaments specified in the said Second Schedule to this Act, in the same Manner in all  
35 respects as if the said Land and Hereditaments specified in the said Second Schedule to the said Act had been mentioned or referred to in the said Bonds and Covenants, in lieu of the said Land and Hereditaments comprised in the said First Schedule to this Act.

The Land specified in the First Schedule to vest in the Governor and Company of Chelsea Waterworks.

The Land specified in the Second Schedule to vest in the Commissioners of Chelsea Hospital.

SCHEDULES to which the foregoing Act refers.

---

The FIRST SCHEDULE referred to by this Act.

All that Piece or Parcel of Ground in the Parish of Saint George Hanover Square in the County of Middlesex, containing One Rood Nine Poles and Twenty-four Yards, or thereabouts, bounded on the North-west by the Centre of the Ranelagh or Common Sewer, on the North-east by Lands now belonging to the said Governor and Company of Chelsea Waterworks, on the South-east by the Commercial Road, and on the South-west by the Line of a proposed new Street intended to lead from Lower Sloane Street to the new Chelsea Bridge, and which Piece of Land is also delineated in a Plan drawn in the Margin of the said Agreement, and is therein coloured Pink.

---

The SECOND SCHEDULE referred to by this Act.

All that Piece or Parcel of Ground in the Parishes of Saint Margaret Westminster and Saint George Hanover Square, or One of them, in the County of Middlesex, heretofore Marsh or Meadow Ground, and being Part of a Meadow heretofore called Hooker's Meadow, containing One Rood and Thirty Poles and Fourteen Yards, or thereabouts, and bounded on the North-west by the Centre of the said Ranelagh Sewer, on the South-east by the said Commercial Road, on the South-west by Land belonging to the Commissioners of Chelsea Hospital, and on the North-east by Land belonging to the said Commissioners, and which Piece of Land is also delineated in the said Plan drawn in the Margin of the said Agreement, and is therein coloured Yellow.





Chelsea Hospital and Water-  
works Exchange of Lands.

---

A

B I L L

To effect an Exchange between the  
Commissioners of Chelsea Hospital  
and the Governor and Company of  
Chelsea Waterworks of Lands in the  
Parishes of Saint George Hanover  
Square and Saint Margaret West-  
minster in the County of Middlesex.

(Prepared and brought in by  
Mr. Henley and Mr. Hamilton.)

---

*Ordered, by The House of Commons, to be Printed;*  
12 April 1858.

---

[Bill 43.]

*Under 1 cc.*



A

# B I L L

TO

Confirm a Contract for the Sale by the Commissioners of Her Majesty's Works of certain Lands to the Commissioners of Chelsea Hospital.

**W**HEREAS by an Agreement made and entered into the Agreement for Sale and Purchase.  
Day of One thousand  
eight hundred and fifty-eight, between the Commissioners  
of Her Majesty's Works and Public Buildings incorporated for the  
5 Purposes of the Acts of Parliament therein-after mentioned of the one  
Part, and the Right Honourable Robert Lowe, the Right Honourable  
Sir Edward Blakeney, a General in Her Majesty's Army, G.C.B.,  
G.C.H., and Sir Alexander Woodford, a General in Her Majesty's  
Army, G.C.B., G.C., M.G., Three of the Commissioners of the Royal  
10 Hospital for Soldiers at Chelsea in the County of Middlesex, on  
behalf of themselves and the other Commissioners of the said Hospital,  
of the other Part, after reciting that by an Act of Parliament passed  
in the Session held in the Ninth and Tenth Years of the Reign of  
Her Majesty Queen Victoria, being Chapter Thirty-nine of the  
15 Statutes of the same Session, the Commissioners of Her Majesty's  
Woods, Forests, Land Revenues, Works, and Buildings were em-  
powered (amongst other things) to construct and complete an Embank-  
ment and Roadway along the North Bank of the River Thames from  
[Bill 47.] A Battersea

Battersea Bridge to Vauxhall Bridge, and that by Section Sixty-two of the said Act the said Commissioners were authorized to sell and dispose of and absolutely to grant and convey any Part or Parts of any of the Hereditaments which might be acquired under the Powers of the said Act, but which should not be required for the Purpose of the same Act (other than the Lands to be acquired or reclaimed between the Embankment and Roadway on the North Side of the River, as therein aforesaid), and which they should not think proper to let on Building Leases, as therein aforesaid, subject nevertheless to such Stipulations and Conditions as they might think fit, and thereupon to convey and assure the same; and reciting that by virtue of the Provisions of the Forty-second Chapter of the Statutes passed in the Session held in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty the Commissioners of Her Majesty's Works and Public Buildings were and are substituted for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Purposes of the first-mentioned Act; and reciting that by the Eighty-seventh Chapter of the Statutes passed in the Session held in the Sixteenth and Seventeenth Years of the Reign of Her said Majesty the last-mentioned Commissioners were authorized to proceed with and complete the said Embankment and Roadway, subject to certain Alterations in the original Plans and Designs thereof, and the Time limited by the said first-mentioned Act for the Purpose of constructing and completing such Embankment and Roadway was extended; and reciting that under and by virtue of the Statutes aforesaid or some of them the Piece or Parcel of Land, containing by Admeasurement Three Acres and Thirty-seven Perches, or thereabouts, in the said Agreement now in recital afterwards described, and the Fee Simple and Inheritance thereof, are vested in the said Commissioners of Her Majesty's Works and Public Buildings; and reciting that the said Piece or Parcel of Land is not nor is any Part thereof between the Embankment and Roadway on the North Shore of the said River, but the same is altogether on the North Side of the Embankment Road, as appears by the Plan thereto annexed; and reciting that the Slip of Land tinted a Violet Colour in the said Plan, containing by Admeasurement Two Roods and Thirty-two Perches, Part of the said Piece or Parcel of Land containing Three Acres and Thirty-seven Perches, was acquired or reclaimed by the Embankment authorized by the therein first-mentioned Statute, and before such Embankment was Part of the North Shore of the said River; and reciting that by the Nineteenth Section of the said first-mentioned Statute it was enacted that all Lands and Hereditaments which should be acquired or reclaimed within and by the then intended Embankment between the then present North Shore of the said River and Line of the said intended Roadway



Roadway might (subject nevertheless as therein mentioned) be planted or otherwise laid out in public Walks or Gardens by the Commissioners for executing the said Act, as they should think fit, but that no Houses or other Buildings should be erected on any Part  
5 thereof (except such as might be erected under any such Agreement as therein mentioned), and that by the Sixtieth Section of the same Statute it was also enacted that as regards all or any Grounds or Hereditaments which should be purchased and which should not be wanted for the Purposes of the said Act (but exclusive of any Lands  
10 which should be acquired or reclaimed between the said Embankment and Roadway and the then present North Shore of the River as aforesaid) it should be lawful for the said Commissioners and they were thereby authorized to demise and lease the same as therein mentioned; and reciting that the said Commissioners of Her Majesty's  
15 Works and Public Buildings were willing to sell (if they had Power so to do) to the said Commissioners of Chelsea Hospital aforesaid, who were desirous of purchasing the said Piece or Parcel of Land containing Three Acres and Thirty-seven Perches, therein-after described, and the Inheritance thereof in Fee Simple in possession, at  
20 or for the Price or Sum of Sixteen thousand five hundred Pounds, subject to the Conditions, Stipulations, and Agreements therein-after contained; and reciting that in consequence of the aforesaid Enactments contained in the said Nineteenth and Sixtieth Sections of the said Statute of the Ninth and Tenth Years of the Reign of Her said  
25 Majesty, Chapter Thirty-nine, it was considered doubtful whether the said Commissioners of Her Majesty's Works and Public Buildings had Power to sell so much of the Premises last aforesaid as consisted of the said Slip of Land containing Two Roods and Thirty-two Perches, in the said Plan tinted with a Violet Colour, notwithstanding  
30 the said Power to sell given as aforesaid by the said Sixty-second Section of the same Statute; and reciting that the Parties respectively thereto, in consideration of the Premises, had agreed to enter into the Agreement now in recital, but provisionally only, in case of the Contract for Sale by the said Commissioners of Her Majesty's Works  
35 and Public Buildings being confirmed by Act of Parliament, as therein-after mentioned; it is witnessed that the said Commissioners of Her Majesty's Works and Public Buildings did for themselves and their Successors (but provisionally only, as therein-after mentioned,) agree to sell, and the said Robert Lowe, Sir Edward Blakeney and Sir Alexander  
40 Woodford, as such Commissioners of Chelsea Hospital aforesaid, on behalf of themselves and the other Commissioners of the said Hospital, (in case of the Contract for Sale therein being confirmed by Act of Parliament,) did agree to purchase of and from the said Commissioners of Her Majesty's Works and Public Buildings, subject as therein-after  
45 mentioned, all that Piece or Parcel of Land situate, lying and being in

the Parish of Saint George Hanover Square in the said County of Middlesex, containing by Admeasurement Three Acres and Thirty-seven Perches, be the same more or less, near to and adjoining the Royal Hospital at Chelsea aforesaid, bounded on the West and North-west by the Gardens and Grounds belonging to the said Royal Hospital, on the North-east by the new Road forming from Chelsea new Bridge to Lower Sloane Street, Chelsea, and on the South by the Embankment Road next the River Thames, which said Piece or Parcel of Land was more particularly delineated and described in the Plan thereof drawn in the Margin of the said Agreement, or thereunto annexed, and was thereon coloured Red and Violet, and the Inheritance thereof in Fee Simple in possession, with the Rights, Members, and Appurtenances thereunto belonging, at or for the Price or Sum of Sixteen thousand five hundred Pounds, and the said Robert Lowe, Sir Edward Blakeney, and Sir Alexander Woodford thereby agreed that the said Commissioners of Chelsea Hospital, their Successors or Assigns, with and out of Monies of the said Hospital applicable in that Behalf, should and would, in case of the said Contract being confirmed by Parliament, well and truly pay or cause to be paid unto the said Commissioners of Her Majesty's Works and Public Buildings, their Successors or Assigns, on or before the Second Day of August One thousand eight hundred and fifty-eight, the said Sum of Sixteen thousand five hundred Pounds (the Purchase Money aforesaid), together with interest thereon at the Rate of Four Pounds per Centum per Annum from the Thirty-first Day of December last, on a proper Conveyance of the said Piece or Parcel of Land and Premises, and the Inheritance thereof in Fee Simple in possession, being executed to the Commissioners of Chelsea Hospital, their Successors and Assigns, by the said Commissioners of Her Majesty's Works and Public Buildings, or their Successors; and it is by the said Agreement further witnessed that for the Considerations therein-before mentioned they the said Commissioners of Her Majesty's Works and Public Buildings, for themselves and their Successors, also agreed with the said Robert Lowe, Sir Edward Blakeney, and Sir Alexander Woodford, as such Commissioners of Chelsea Hospital aforesaid, that in case of the said Contract for Sale being confirmed by Parliament, and on receiving from them the said Sum of Sixteen thousand five hundred Pounds, together with such Interest thereon as aforesaid, on or before the Second Day of August One thousand eight hundred and fifty-eight, they the said Commissioners of Her Majesty's Works and Public Buildings, or their Successors, would convey or cause to be conveyed to the said Commissioners of Chelsea Hospital, their Successors and Assigns, or as the said Commissioners should direct, the said Piece or Parcel of Land and Premises therein-before described, with the Appurtenances, subject nevertheless as therein is mentioned: And whereas the Sale

by

Agreement  
for the Sale  
approved  
by the  
Treasury.

by the said Commissioners of Her Majesty's Works and Public Buildings of the said Piece or Parcel of Land described in the said recited Agreement to the said Commissioners of Chelsea Hospital aforesaid, at or for the Price or Consideration and upon the Terms respectively therein expressed, hath been approved of and authorized by the Lords of Her Majesty's Treasury, and it is desirable that the same should be carried into effect, in pursuance of the said Agreement; but in consequence of the Doubt recited or mentioned in the said Agreement whether the Power of Sale contained in the said Statute, Chapter Thirty-nine of the Statutes passed in the Session of the Ninth and Tenth Years of the Reign of Her said Majesty, extends to such Part of the said Piece or Parcel of Land as is distinguished by a Violet Colour in the said Plan to the said Agreement, it is necessary, for the Safety of the said Purchasers under the said Agreement, that the said Sale should be confirmed by Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Agreement  
confirmed.

I. The said Sale by the Commissioners of Her Majesty's Works and Public Buildings in and by the herein-before recited Agreement of the said Piece or Parcel of Land thereby described, and the Inheritance in Fee Simple thereof, at or for the Price or Consideration and upon the Terms respectively expressed in the said Agreement, shall be valid and effectual, and the same is hereby confirmed, in all respects as if the said Commissioners of Her Majesty's Works and Public Buildings were by the said recited Act of the Ninth and Tenth Victoria, Chapter Thirty-nine, authorized to sell the same, and the said Commissioners of Her Majesty's Works and Public Buildings are hereby authorized and directed, upon or after Payment by the Commissioners of Chelsea Hospital aforesaid of the said Price or Consideration of Sixteen thousand five hundred Pounds mentioned in the said Agreement, and in pursuance of the Provisions of the said Agreement, to convey the said Piece or Parcel of Land, and the Inheritance thereof in Fee Simple in possession, unto and to the Use of the Commissioners of Chelsea Hospital aforesaid, their Successors and Assigns, or as the Commissioners for the Time being of the same Hospital shall direct, subject to such Condition and Covenant respectively as are expressed in the said Agreement.

II. It shall be sufficient for all Purposes to cite this Act as "The Chelsea Hospital Purchase Act, 1858."



# Chelsea Hospital (Purchase of Lands).

---

A

## BILL

To confirm a Contract for the Sale by  
the Commissioners of Her Majesty's  
Works of certain Lands to the Com-  
missioners of Chelsea Hospital.

(Prepared and brought in by  
Lord John Manners and Mr. Henley.)

---

Ordered, by The House of Commons, to be Printed,  
15 April 1858.

---

[Bill 47.]

Under 1 c2.



A

# B I L L

INTITULED

An Act to make valid certain Acts of the late  
Chief Justice of Bombay.

**W**HEREAS Sir William Yardley, Knight, late Chief Justice Preamble.  
of the Supreme Court of Judicature at Bombay, in the  
Month of December last transmitted to the Board of  
Commissioners for the Affairs of India a Notification of his Intention  
5 to resign his said Office of Chief Justice on the Ninth Day of April  
One thousand eight hundred and fifty-eight, and Her Majesty, by  
Letters Patent under the Great Seal of the United Kingdom, bearing  
Date the Twenty-second Day of February One thousand eight  
hundred and fifty-eight, appointed Sir Henry Davison Chief Justice  
10 of the said Court: And whereas the said Sir William Yardley con-  
tinued to act as Chief Justice of the said Court until the said Ninth  
Day of April One thousand eight hundred and fifty-eight; but it is  
apprehended that the Appointment of the said Sir Henry Davison  
operated to revoke as from the Date of the said Letters Patent the  
15 Appointment of his Predecessor: And whereas it is expedient that  
the Acts of the said Sir William Yardley should be made valid: Be  
it enacted by the Queen's most Excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the Authority  
20 of the same, as follows:

[Bill 151.]

I. All

Acts of Sir  
W. Yardley  
as Chief  
Justice up to  
9th April  
1858 con-  
firmed.

I. All Acts, Matters, and Things whatsoever done, ordered, or authorized by the said Sir William Yardley in or in relation to the Supreme Court of Judicature at Bombay, between the Date of the said Letters Patent and the Ninth Day of April One thousand eight hundred and fifty-eight, shall be as valid and shall have the same Force and Effect as if his Appointment as Chief Justice of the said Supreme Court had not been revoked or determined. 5





# Chief Justice of Bombay.

---

A

BILL

INTRODUCED

An Act to make valid certain Acts of  
the late Chief Justice of Bombay.

(*Brought from the Lords 18 May 1858.*)

---

*Ordered, by The House of Commons, to be Printed,  
21 June 1858.*

---

[Bill 151.]

*Under 1 oz.*



A

# B I L L

INTITULED

An Act prohibiting the Carriage of Chinese Emigrants to Foreign Countries in British Ships, and amending in that respect the Chinese Passenger Act, 1855.

---

[Note.—*The Clause printed in Red Ink is proposed to be inserted in Committee.*]

---

- W**HEREAS grave Abuses and Sufferings continue to prevail Preamble.  
in connexion with the Chinese Passenger Trade: And  
whereas, in order to prevent their Promotion by means of  
the Shipping of this Country, it is expedient that British Ships  
5 should not be allowed to carry Chinese Emigrants except to Places  
within British Jurisdiction: Be it enacted by the Queen's most  
Excellent Majesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons, in this present Par-  
liament assembled, and by the Authority of the same, as follows:
- 10 I. It shall not be lawful for any British Ship to carry Chinese  
Emigrants to any Place not being within the British Dominions.
- II. Any British Ship which shall be employed in so carrying  
Chinese Emigrants shall be forfeited to Her Majesty; and the  
Persons who hire and the Persons who let the Ship for such Purpose,  
15 being British Subjects, and the Master and Officers of the Ship, shall  
be guilty of a Misdemeanor.
- British Ships  
not to carry  
Chinese  
Emigrants  
to Foreign  
Ports.  
  
Ships so em-  
ployed to be  
forfeited;  
and Parties  
guilty of Mis-  
demeanor.
- [Bill 193.] III. And



Bond to be given as in 18 & 19 Vict. c. 104., but with Condition as in this Act.

III. And whereas by the Chinese Passenger Act, 1855, the Master of every Ship clearing out with Chinese Passengers is required to give a certain Bond that he will duly observe the Requirements of the said Act: Be it enacted, That from the Commencement of the present Act the Master of every British Ship which shall lawfully 5 clear out with Chinese Passengers shall give the said Bond as before, but with the Condition of the same amended in the Form annexed to the present Act, and in the event of his sailing with Chinese Emigrants without giving such Bond he shall be liable to a Penalty not exceeding One thousand Pounds, and the Ship shall be forfeited 10 to Her Majesty.

Meaning of Term "Chinese Emigrants."

IV. The Term "Chinese Emigrants" shall be taken to mean any Natives of Asia, not being bonâ fide Cabin Passengers or Seamen hired for the Navigation of the Vessel, and entered as such on the Ship's Articles, who shall be shipped from any Port in China or the Chinese Seas on any Voyage of more than Seven Days Duration, as 15 declared by Proclamation of the Governor of Hong Kong.

Domestic Servants not to be deemed Emigrants.

V. Nothing in this Act, however, shall prevent the carrying in any British Ship bound on a lawful Voyage to a Foreign Country of any Chinese who are bonâ fide domestic Servants of any Cabin Pas- 20 sengers in such Ship or of the Master of the Ship, provided that the Number of such Chinese on board shall not exceed Ten, and that their Presence is noted and approved in a Certificate to be given for the Purpose by the British Consul or Emigration Officer at the Port from which the Ship sails. 25

Provisions relative to Penalties, &c. of 18 & 19 Vict. c. 104. to apply to this Act

The whole of the Provisions relative to Penalties, Procedure, and Evidence contained in the Clauses numbered from IX. to XV., both inclusive, of the Chinese Passenger Act, 1855, with regard to any Breaches or supposed Breaches of that Act, shall be equally applicable to any Breaches or supposed Breaches of the present Act. 30

Act when to take effect.

VI. This Act shall take effect from a Day which may be proclaimed by the Governor of Hong Kong, not being less than Six Weeks after the Date of the Proclamation, or, if not proclaimed by the Governor of Hong Kong, from the First of January One thou- 35 sand eight hundred and fifty-nine.

*Amended Condition of the Bond to be given by the Master of every British Ship clearing out with Chinese Emigrants under the Provisions of the Chinese Passenger Act, 1855.*

Now the Condition of this Obligation is this, That if in respect of  
5 the British Ship                               whereof                               is Master, all and  
every the Requirements of the said Chinese Passenger Act, and of  
the Regulations contained in Schedule (A.) to the said Act annexed,  
and enacted by the Legislature of Hong Kong, shall be well and truly  
observed and performed, and if, likewise, the Passengers of the said  
10 Ship, being Natives of Asia shipped at a Port in China or the  
Chinese Seas, be not landed elsewhere than at the British Port for  
which the Ship is cleared, unless prevented by the Act of God, then  
this Obligation to be void, otherwise to remain in full Force and  
Effect.

Chinese Passenger Act (1855)  
Amendment.

---

A

B I L L

INTITLED

An Act prohibiting the Carriage of  
Chinese Emigrants to Foreign Coun-  
tries in British Ships, and amending  
in that respect the Chinese Passenger  
Act, 1855.

*(Brought from the Lords 8 July 1858.)*

---

*Ordered, by The House of Commons, to be Printed,  
9 July 1858.*

---

[Bill 193.]

*Under 1 oz.*



26 April 1858. 21 VICT.



A

# B I L L

INTITULED

## An Act for Special Services in the Church of England.

**W**HEREAS it is expedient to enable the Bishops in their Preamble.  
respective Dioceses to make Provision in populous Places  
for the Preaching of God's Word in any Building or  
Buildings not usually appropriated to Purposes of Religious Worship,  
5 by Clergymen of the United Church of England and Ireland who  
have their Permission for this Purpose, any Statute, Law, Canon, or  
Usage notwithstanding: Be it enacted by the Queen's most Excellent  
Majesty, by and with the Advice and Consent of the Lords Spiritual  
and Temporal, and Commons, in this present Parliament assembled,  
10 and by the Authority of the same, as follows:

I. That in any City, Town, or similar Place, the Population of  
which shall at the then last preceding Census have exceeded Five  
thousand, whether the same shall consist of One or more Parishes  
or Ecclesiastical Districts, and in which the Bishop, either of his own  
15 Knowledge or from Representations made to him, shall judge that the  
Spiritual Wants of the Population render it expedient to make further  
Provision for promoting the Preaching of the Word of God, it shall  
be lawful for the said Bishop, by Writing under his Hand, to  
[Bill 63.] declare

Bishop may permit Special Services in any City, Town, &c. the Population of which exceeds 5000.

declare that the Existence of such spiritual Wants has been made evident to him, and to permit such Clergyman or Clergymen of the United Church of England and Ireland as to him shall seem fit, for a Period not exceeding Three Months, to read and preach God's Word, and to say the Litany, or any Part or Parts of the Book of Common Prayer, in any such Building or Buildings not usually appropriated to the Purposes of Religious Worship. 5

Notice of such Permission to be given to Incumbent of Parish, &c. ;

who may appeal to the Archbishop.

II. Provided always, That Notice of the Intention of the Bishop to grant such Permission shall be given to the Incumbent of the Parish or Ecclesiastical District in which such Building is situate, or if he 10 be non-resident to his licensed Curate, at least One Calendar Month before such Permission shall issue ; and that such Notice shall contain a Designation of the Building or Buildings to which such Permission shall apply ; and that a Copy of such Notice shall be duly entered in the Registry of the Diocese ; and that it shall be lawful 15 for the Incumbent of the said Parish or Ecclesiastical District, at any Time during the said Calendar Month, to appeal to the Archbishop of the Province against the Issue of such Permission ; and if he shall so appeal, that the Permission shall not be issued before the Archbishop shall have determined the said Appeal ; and that at any 20 Time after the Issue of such Permission it shall be lawful for such Incumbent as aforesaid to make Application to the Bishop to withdraw such Permission ; and if the Bishop shall refuse to do so, then it shall be lawful for the Incumbent to appeal to the Archbishop, who shall thereupon summarily determine whether such Permission shall continue 25 or be withdrawn.

Laws, &c. now in force as to Public Services to apply to this Act.

III. Provided always, That all the Laws, Statutes, and Canons now in force as to the Public Services of the United Church of England and Ireland apply to the occasional Services contemplated by this Act, except in so far as it is expressly enacted in this Act to the 30 contrary.

Proceeding for Consent of Bishop in Mining Districts.

IV. Provided always, That where in any District the Population is wholly or principally engaged in Mining Operations it shall be lawful for the Bishop, if he shall think fit, to give such Permission as is herein-before enacted in respect to any Parish or Ecclesiastical 35 District or Two or more Parishes or Ecclesiastical Districts containing together such Amount of Population as aforesaid, and being either continuous or adjacent to each other, though such Parishes or Ecclesiastical Districts may not constitute a City, Town, or similar Place.

Divine Service in Chapel

V. That wherever there is or may be a Chapel or Chapel School 40 or Room set apart in any Fort, Garrison, Barrack, or Camp in England

England or Ireland for the Performance of Divine Worship, it shall be lawful for the Bishop of the Diocese within which such Chapel or Chapel School or Room is situated, on Application from One of

Schools, &c.  
belonging to  
Barracks,  
&c.

Her Majesty's Principal Secretaries of State, to grant to the Chaplain  
5 or Assistant Chaplain appointed to such Fort, Garrison, Barrack, or  
Camp his Licence to perform Divine Service in the said Chapel or  
Chapel School or Room, and to preach and to administer the Holy  
Sacraments of Baptism and the Lord's Supper to Her Majesty's  
Troops, their Wives and Families.



# Church of England Special Services.

---

A

## BILL

INTRODUCED

An Act for Special Services in the  
Church of England.

(*Brought from the Lords 23 March 1858.*)

---

*Ordered, by The House of Commons, to be Printed,  
26 April 1858.*

---

[Bill 63.]

*Under 1 oz.*

11 February 1858. 21 VICT.



A

# B I L L

FOR

## The Abolition of Church Rates.

**W**HEREAS Church Rates have for some Years ceased to be made or collected in many Parishes by reason of the Opposition thereto, and in many other Parishes where Church Rates have been made the levying thereof has given rise to  
 5 Litigation and Ill-feeling: And whereas it is expedient that the Power to make Church Rates should be abolished: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as  
 10 follows:—

I. From and after the *passing of this Act* no Church Rate shall be made or levied in any Parish in England or Wales.

Church Rates abolished.

II. Provided always, That in any Parish where a Sum of Money is at the Time of the passing of this Act due on the Security of  
 15 Church Rates to be made or levied in such Parish under the Provisions of any Act of Parliament, such Rates may still be made and levied pursuant to such Provisions for the Purpose of paying off the Money so due, but not otherwise, until the same shall have been liquidated.

Church Rates may still be levied for the Purpose of paying off Money due on the Security of such Rates.

[Bill 18.]

III. This

Act not to  
extend to  
Scotland or  
Ireland.

III. This Act shall not extend to Scotland or Ireland.

IV. This Act may be cited as "The Church Rate Abolition  
Title of Act. Act, 1858."





# Church Rates Abolition.

---

A

## BILL

For the Abolition of Church Rates.

(Prepared and brought in by  
Sir John Trevelyan, General Thompson, and  
Mr. Dilke.)

---

*Ordered, by the House of Commons, to be Printed,  
11 February 1858.*

---

[Bill 18.]  
*Under 1 o2*



A

# B I L L

FOR

## The Voluntary Commutation of Church Rates.

**W**HEREAS it is expedient to provide Facilities for the Preamble.  
Voluntary Commutation of Church Rates in England: Be  
it enacted by the Queen's most Excellent Majesty, by and  
with the Advice and Consent of the Lords Spiritual and Temporal,  
5 and Commons, in this present Parliament assembled, and by the  
Authority of the same, as follows :

I. The Persons who from Time to Time are and shall be the Charity  
Charity Commissioners for England and Wales shall be the Commis-  
sioners for carrying this Act into effect, and for that Purpose shall be  
10 a Corporation, and have perpetual Succession and a Common Seal, Commission-  
ers for this  
under the Name of "The Church Rate Commutation Commissioners," Act.  
with Power to hold such Real Estate as herein-after mentioned.

II. The Inspectors, Clerks, Messengers, and other Officers of the Inspectors,  
said Charity Commissioners shall act under the Direction of the said Clerks, &c.  
15 Commissioners for the Purpose of carrying this Act into effect ; and of the said  
all reasonable travelling and other Expenses incurred by the said Commission-  
Commissioners and their Officers in the Discharge of their respective ers to act for  
Offices under this Act shall be paid in the same Manner as is by the Purpose  
Law provided with respect to the Expenses of the Charity Commis- of carrying  
20 sioners and their Officers. this Act  
into effect.

[Bill 196.]

A

III. It



Commission-  
ers, on hav-  
ing secured  
to them a  
yearly Sum  
sufficient for  
Payment of  
Expenses  
properly  
payable out  
of Church  
Rates of any  
Parish or  
District, may  
declare that  
no Church  
Rate shall  
be raised.  
How yearly  
Sums to be  
secured to  
Commis-  
sioners.

Rentcharges  
may be  
granted by  
Corpora-  
tions, &c.

Act not to  
affect  
9 G. 2. c. 36,  
commonly  
called  
"Mortmain  
Act."

## 2 Church Rates Commutation.

III. It shall be lawful for the said Commissioners, on having secured to them to their Satisfaction, in manner herein-after mentioned, such a yearly Sum as in their Judgment shall be sufficient for the Payment of the Expenses properly payable out of the Church Rates of any Parish or District having a separate Church Rate, by an Award under their Common Seal to declare that no Church Rate shall thenceforth be raised for such Parish or District, and after the Execution of such Award no Church Rate shall be raiseable in such Parish or District accordingly. 5

IV. The yearly Sum to be secured to the said Commissioners for the Purposes aforesaid shall be secured to them either by the Investment in their Names of a Sum or Sums in the Three per Centum Consolidated Bank Annuities, or by the Grant of One or more Rentcharges in Fee issuing out of Freehold Lands. 10

V. Rentcharges may be granted for the Purposes aforesaid by Corporations, and by Tenants in Tail or for Life, in possession or receipt of the Rents and Profits of the Lands out of which the Rentcharges are to issue, as well as by Persons absolutely entitled to such Lands; and all Rentcharges so granted by Tenants in Tail or for Life shall be binding, not only on them and their Heirs, but also on all Persons entitled in remainder, reversion, or expectancy after them, or in Defeazance of their Estates; and it shall be lawful for Guardians, with the Consent of the Court of Chancery, to be obtained on Petition in a summary Way, to make any such Grant for and on behalf of any Infant seised in Fee Simple or in Tail or for Life as aforesaid. 15 20 25

VI. Nothing herein contained shall be deemed to alter or affect the Provisions of the Act of the Ninth Year of King George the Second, Chapter Thirty-six, commonly called "The Mortmain Act," and the Commissioners shall not make their Award as aforesaid until such a sufficient Time shall have elapsed after every Grant of Rentcharge or Gift of Stock that the same shall be no longer capable of becoming void under the said Act; and in case any such Grant or Gift as aforesaid shall become void, by reason of the Death of the Grantor or Donor within the Time mentioned in the said Statute, or otherwise, it shall be lawful for the said Commissioners, if they shall think fit, to release or re-transfer all the other Rentcharges and Sums of Stock contributed by any other Parties for the Purpose of effecting a Commutation of the Church Rate as aforesaid, to the Intent that all Parties may be restored, as nearly as may be, to their former Position, and the Attempt to effect such Commutation abandoned: Provided always, that all Rentcharges, and the Dividends of any Stock, after the 30 35 40 the

the same shall have been granted or transferred to the said Commissioners as aforesaid, and before the Execution of their Award, shall be by them paid and applied in relief of the Church Rates intended to be commuted, but only for a Period not exceeding Two Years.

5 VII. Notice of the Intention to make such Award as aforesaid, specifying the yearly Sum secured to the Commissioners in lieu of Church Rate, shall be fixed on the Door of the Parish or District Church at least *Two Months* before the Execution of the Award. Notice of Commissioners Award to be fixed on Church Doors.

10 VIII. The Award, when executed, shall be deposited with the Clerk of the Peace of the County, and shall be open to public Inspection at all reasonable Times, on Payment of a Fee of One Shilling. Award to be deposited with Clerk of the Peace.

IX. The Commissioners shall pay the yearly Sum secured to them as aforesaid by equal half-yearly Payments to the Church-wardens of the Parish or District, to be by them paid and applied as Church Rates would have been payable and applicable. Commissioners to pay yearly Sums secured to them to Churchwardens of Parish or District.

X. In case the yearly Sum secured to the Commissioners as aforesaid for any Parish or District shall in any Year or Years exceed the Amount which the Churchwardens shall require for the Purposes aforesaid, the Surplus may be retained by the Churchwardens, and applied by them to the Purposes aforesaid in subsequent Years: Provided nevertheless, that when such Surplus shall have accumulated so as to amount to the Sum of *One hundred Pounds*, the same shall be returned by the Churchwardens to the Commissioners, who shall invest the same in the Three per Centum Consolidated Bank Annuities, by way of Addition to the Funds or Rentcharge already provided for the Purposes of such Parish or District, but with Power at any Time thereafter, if they shall think fit, to sell out the whole or any Part of such funded Surplus, and pay the Proceeds to the Churchwardens for the Purposes aforesaid. When yearly Sums shall exceed the Amount required, Surplus may be retained by Churchwardens, &c.

XI. In estimating the Amount of the yearly Sum to be provided by way of Commutation as aforesaid, the said Commissioners shall be at liberty to allow for any Provision already existing in relief of the Church Rates of the Parish or District at such Value as to them shall seem just and reasonable. In estimating yearly Sum, Commissioners to allow for any Provision already existing in relief of the Church Rates.

XII. It shall be lawful for any Trustees in whom any Rentcharge, or any Moneys or Funds, or any Lands, now are or hereafter may be vested for the Purpose of applying the same in relief of the Church Rates of any Parish or District, to convey and transfer such Rent- Trustees may transfer to Commissioners any Rent-charge,

charges, &c.  
vested for  
the Purpose  
of Church  
Rates.

charge, Money's, or Funds to the said Commissioners for the Purposes aforesaid, or to make Sale of and convey such Lands to any Purchaser, and to invest the Purchase Money in the Three per Centum Consolidated Bank Annuities in the Names of the said Commissioners for the Purposes aforesaid, and the Execution by the said Commissioners of the 5 Deed of Conveyance shall be conclusive Evidence that such Sale is effected for the Purposes of and is made valid and effectual by this Act, and that the Purchase Money has been duly applied for the Purposes aforesaid; and upon such Conveyance, Transfer, or Sale as aforesaid all Powers, Duties, and Liabilities of such Trustees in 10 respect of such Rentcharges, Money's, Funds, or Land shall absolutely cease, except as to past Transactions.

Commis-  
sioners may  
release any  
such Rent-  
charges.

XIII. It shall be lawful for the Commissioners, if they shall think fit, to release any such Rentcharge granted or transferred to them as aforesaid, in consideration of the Transfer into their Names of a Sum 15 in the Three per Centum Consolidated Bank Annuities producing Dividends equal in Amount to such Rentcharge, and also, if they shall think fit, to release any Part or Parts of the Lands out of which any such Rentcharge is issuing from the Payment thereof, without any Consideration, provided the Residue of such Lands shall in their 20 Judgment be sufficient Security for such Rentcharge, and in such Case the Rentcharge shall be wholly chargeable on and issuing out of such Residue of the Lands: Provided always, that no such partial Release shall be made, except with the Concurrence of the Person or Persons entitled for such an Estate as would enable him to grant a 25 Rentcharge under this Act to the Lands remaining charged; but in such Cases the Consent of the Court of Chancery to such Concurrence by a Guardian shall not be necessary.

Extent of  
Act.

XIV. This Act shall extend to England only.





# Church Rates Commutation.

A

## B I L L

For the Voluntary Commutation of  
Church Rates.

(Prepared and brought in by  
Mr. Alcock and Mr. Evans.)

---

---

*Ordered, by The House of Commons, to be Printed,  
12 July 1858.*

[Bill 196.]

*Under 1 oz.*

# Churches, &c. (Ireland) Bill.

---

## ARRANGEMENT OF CLAUSES.

---

Provisions of 14 & 16 Vict. c. 72. to apply to new or additional Churchyards for existing Churches; Sect. 1.

Apportionment of Rent in respect to Lands acquired when held with others under Lease; 2.

Recovery of apportioned Rent and Enforcement of Covenants; 3.

Where Rent is nominal; 4.

---





10 February 1858. 21 VICT.



(Ireland.)

A

# B I L L

FURTHER

To amend the Law relating to the Erection and  
Endowment of Churches, Chapels, and Per-  
petual Curacies in Ireland.

**W**HEREAS it is expedient further to amend the Laws Preamble.  
relating to the Erection and Endowment of Churches and  
Chapels and Perpetual Curacies in Ireland: Be it therefore  
enacted by the Queen's most Excellent Majesty, by and with the Advice  
5 and Consent of the Lords Spiritual and Temporal, and Commons,  
in this present Parliament assembled, and by the Authority of the  
same, as follows:

I. The Provisions of the Act passed in the Fourteenth and Fifteenth  
Years of the Queen, and Chapter Seventy-two, (herein-after called  
10 the original Act,) shall be amended by this amending Act in the  
following respects; that is to say, The Provisions of Sections  
Twenty-nine and Thirty of the original Act shall be extended so as  
to enable the Persons and Bodies Corporate therein mentioned to  
appropriate and set apart any Portion of Land, not exceeding *One*  
15 *Plantation Acre*, convenient for a new Churchyard or for an Addition  
to an old Churchyard, in the same Manner, and with the same Effect,  
and subject to the like Consents and Provisoos, as are prescribed by  
such Sections respectively in case a new Parish Church, District  
Parochial Church, or Parochial Chapel of Ease, or Proprietary Chapel,  
20 had been or was about to be erected on the Land.

Provisions of  
14 & 15 Vict.  
c. 72. to  
apply to  
new or  
additional  
Churchyards  
to existing  
Churches.

[Bill 17.]

II. If

Apportion-  
ment of Rent  
in respect  
to Lands ac-  
quired when  
held with  
others under  
Lease.

II. If any Hereditaments which have been or which may be acquired for the Purposes of the original Act or of this amending Act are or shall be included in a Lease or Underlease with other Hereditaments, the Rent reserved by such Lease or Underlease, and any Fine certain to be paid on any Renewals thereof, may be apportioned between the 5 Hereditaments so acquired or to be acquired and the Remainder of the Hereditaments, or may be wholly charged on such Remainder, in exoneration of the Hereditaments acquired or to be acquired; and such Apportionment or Exoneration may be effected by the Parties respectively having Power to assign or convey the Leasehold Interest, 10 and to assign or convey the Reversion expectant on such Leasehold Interest in the Hereditaments so to be acquired, or by them or their Successors in Estate in respect of Hereditaments already acquired.

Recovery of  
apportioned  
Rent and  
Enforcement  
of Cove-  
nants.

III. From and after such Apportionment or Exoneration, the Rent or apportioned Rent by such Apportionment or Exoneration expressed 15 to be made payable out of the Hereditaments which have not been or shall not be acquired and out of the Hereditaments which have been or shall be so acquired respectively, shall thenceforth be recoverable as regards such Hereditaments respectively by the same Remedies by which before such Apportionment or Exoneration the Rent 20 reserved by the Lease or Underlease was recoverable out of the whole of the Hereditaments therein comprised; and all the Covenants, Conditions, and Agreements in such Lease or Underlease contained, as well those relating to Rent as others, so far as regards the Part acquired and the Residue not acquired respectively of the Heredita- 25 ments comprised in the Lease or Underlease, shall continue and shall subsist upon and against and with regard to such Part so acquired and such Residue respectively in like Manner as if such Part or Residue only had been comprised in the Lease or Underlease; and in case the Lease or Underlease shall contain Provisions for 30 Renewal upon Payment of a Fine certain, such Provisions for Renewal shall apply to the Part acquired and the Residue not acquired respectively of the Hereditaments comprised in the Lease or Underlease in the same Manner as if such Part or Residue only had been originally comprised in the Lease or Underlease, and the Fine certain 35 to be paid on any Renewal had been the Fine certain which (if any) in the Exoneration or Apportionment shall be expressed to be payable in respect of the same Hereditaments.

Where Rent  
is nominal.

IV. The Two last-mentioned Provisions shall extend to Cases in which no Apportionment of or Exoneration from Rent may take place 40 by reason that no Rent or a nominal Rent only is reserved by the Lease or Underlease.





# Churches, &c. (Ireland).

A

## B I L L

Further to amend the Law relating to the Erection and Endowment of Churches, Chapels, and Perpetual Curacies in Ireland.

(Prepared and brought in by  
*Mr. Napier and Mr. George Alexander Hamilton.*)

---

*Ordered, by The House of Commons, to be Printed,  
10 February 1858.*

---

[Bill 17.]

*Under 1 oz.*



(Ireland.)

A

# B I L L

TO

Amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.

**W**HEREAS by the Provisions of an Act passed in the Preamble.  
Session of Parliament holden in the Fourteenth and 14 & 15 Vict.  
Fifteenth Years of the Reign of Her present Majesty, c. 57.  
Chapter Fifty-seven, it was enacted, that the Lord Lieutenant of  
5 Ireland might nominate and appoint to the Office of Assistant  
Barrister for each and every County and Riding in Ireland a prac-  
tising Barrister-at-Law of Ten Years standing at the least, who shall  
have actually practised Ten Years in Her Majesty's Superior Courts  
in Dublin, and shall not at the Time of his Appointment to such  
10 Office have retired from such Practice; and that every Assistant  
Barrister so appointed should hold his Office during good Behaviour,  
but that it should be lawful for Her Majesty to remove any such  
Assistant Barrister from his Office upon the Address of both Houses  
of Parliament; and that such Assistant Barristers should severally  
15 receive the annual Salaries in the Schedule to the said Act mentioned,  
[Bill 165.] according



according to the Classification of the County to which he was appointed; and that it should be lawful for Her Majesty to grant to any Person who shall have executed the Office of Assistant Barrister, and who shall have resigned the same, an Annuity or yearly Sum not exceeding Four hundred Pounds, provided he shall have continued 5 in Office Twenty Years, or be afflicted with some permanent Infirmary disabling him from the due Execution of his Office: And whereas the said Annuity or Pension is disproportionate to the Salaries and Services of the Assistant Barrister of First and Second Class Counties, and by reason thereof no adequate Provision can be made for such 10 of the Assistant Barristers as by reason of their advanced Age and lengthened Services may have become unable to discharge the Duties of their Office with the necessary Diligence and Efficiency, whereby the due Administration of Justice in the County Courts in Ireland is greatly hindered: Be it therefore enacted by the Queen's most 15 Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Retiring  
Pension of  
Assistant  
Barrister.

I. It shall be lawful for Her Majesty and Her Successors, by any Letters Patent under the Great Seal of Ireland, to grant to any 20 Person who shall have executed the Office of Assistant Barrister, within the Meaning of the said recited Act, for any County or Riding of a County in Ireland, and who shall have resigned the same, or been removed from the same for Infirmary, in manner herein-after mentioned, an Annuity or yearly Sum not exceeding *Two Thirds* of the annual 25 Salary to which the Person so resigning shall have been entitled immediately before his Resignation, the said Annuity or yearly Sum to be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland: Provided always, that no such Annuity or yearly Sum of Money shall be granted to any Assistant Barrister 30 unless he shall have continued in Office *Twenty* Years, or be afflicted with some permanent Infirmary disabling him from the due Execution of his Office, the same to be distinctly recited in such Grant.

Removal of  
Assistant  
Barristers  
for Misbe-  
haviour or  
Inability.  
9 & 10 Vict.  
c. 95. s. 18.

II. That, for and notwithstanding anything contained in the said recited Act, if it shall appear to the Lord Chancellor of Ireland (for 35 the Time being) that any Assistant Barrister within the Meaning of the said Act shall be guilty of any Misbehaviour in his said Office, or shall be incapable of discharging his Duty therein by reason of per- 40 manent Infirmary, it shall and may be lawful for the said Lord Chancellor to certify the same to the Lord Lieutenant of Ireland, whereupon it may be lawful for the said Lord Lieutenant to remove such Assistant Barrister from his Office: Provided that, save as afore- said, Assistant Barristers shall hold their Office during good Behaviour, and

and that, notwithstanding such Power of Removal herein-before vested in the Lord Lieutenant of Ireland, any Assistant Barrister may be removed by the Crown on Addresses from both Houses of Parliament, in manner provided by the said recited Act.

- 5     III. It shall be lawful for the Lord Lieutenant of Ireland to remove any Assistant Barrister from any County to which he shall have been appointed, for the Purpose of appointing him to any other County in which the Salary of the said Assistant Barrister shall not be less than in the County from which he shall be so removed.

9 & 10 Vict.  
c. 95 s. 19.  
Lord Lieu-  
tenant may  
transfer  
Assistant  
Barristers to  
other Coun-  
ties.

# Civil Bills, &c. (Ireland) Act Amendment.

---

A

## B I L L

To amend an Act of the Fourteenth and Fifteenth Years of Her present Majesty, to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.

(*Prepared and brought in by*  
*Mr. Fitzroy, Mr. Attorney General for Ireland,*  
*Lord Naas, and Mr. Hamilton.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*29 June 1858.*

---

[Bill 165.]

*Under 1 oz.*



## Clerks of Petty Sessions (Ireland) Bill.

---

### ARRANGEMENT OF CLAUSES.

---

Interpretation of Terms ; Sect. 1.

Short Title ; 2.

From 1st Day of January 1859, Petty Sessions Clerks shall be paid by Salaries instead of Fees ; 3.

The Clerk of each Petty Sessions shall transmit a Statement of Fees, &c. received by him in respect of his Office to the Clerk of the Peace of the County ; 4.

Justices at Quarter Sessions shall inquire into Duties of Petty Sessions Clerks within the County, and Amount of Fees, &c. received by them, and recommend that such annual Salaries in lieu of Fees shall be paid to such Clerks as they think fit, subject to Approval of Lord Lieutenant ; 5.

Lord Lieutenant may approve of such Recommendation, or refer it back for Re-consideration ; 6.

On final Approval, Lord Lieutenant shall make an Order accordingly. Order to be published in Dublin Gazette ; 7.

If the Justices neglect to transmit Recommendation, the Lord Lieutenant may direct Clerk to be paid by Salary in lieu of Fees ; 8.

Salary of Clerk to be the Remuneration for all Business performed by him, save making Copies of Informations and Complaints ; 9.

Justices may from Time to Time vary the Amount of Salary, subject to the like Approval ; 10.

Grand Jury to present Amount of Salaries of Clerks of Petty Sessions ; 11.

When Petty Sessions District in Two Counties, Salary, &c. to be apportioned between such Counties ; 12.

Clerks shall account for Fees, and pay over Amount to Treasurer of County ; 13.

When Salaries of Clerks shall be paid ; 14.

Penalty on Clerks receiving Gratuities ; 15.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices ; 16.

[Bill 10.]

a

Affidavit

ii      *Clerks of Petty Sessions (Ireland).*

Affidavit to be made by Clerk that Accounts of Fees are correct ;  
17.

In default of paying over Sum received for Fees, Amount to be levied  
by Distress ; 18.

Power to consolidate Petty Sessions Districts ; 19.

Clerk of the Peace to enter Particulars of such Consolidation in the  
Crown Book, and transmit Copy to Secretary of Grand Jury ; 20.

Justices may appoint One Clerk to act for such altered District ; 21.

Justices at Quarter Sessions, with Consent of Lord Lieutenant, may  
direct that One Petty Sessions Clerk shall act for Two or more  
Districts ; 22.

Mode of filling up Vacancies in the Office of Petty Sessions Clerk for  
Two or more Petty Sessions Districts ; 23.

Any Petty Sessions Clerk who shall lose his Office by reason of such  
Consolidation to be compensated ; 24.

Justices at Quarter Sessions may grant Superannuations to Petty  
Sessions Clerks ; 25.

Justices at Petty Sessions to make additional Rules for Performance  
of Duties of Petty Sessions Clerk, subject to Approval of Lord  
Lieutenant ; 26.

Clerk to enter into a fresh Recognizance ; 27.

Mode of recovering Fees due and unpaid ; 28.

All Fines or penal Sums levied in any County (save as herein men-  
tioned) to be paid to the Credit of the Treasurer, to be applied in  
the Reduction of Rates ; 29.

Expenses incurred by Clerk of Peace in carrying into effect this Act  
to be paid by Counties ; 30.

Lord Lieutenant to make General Regulations ; 31.

Salary of Petty Sessions Clerk may be withheld in case of his not  
duly accounting for Fines, &c. ; 32.

Clerk liable to be dismissed in like Manner as before the passing of  
this Act ; 33.

Nothing herein to affect the Duties of Petty Sessions Clerks to  
account for Fines ; 34.

" Petty Sessions (Ireland) Act, 1851," incorporated with this Act ;  
35.

Act to extend to Ireland only ; 36.

---



(Ireland.)

A

# B I L L

TO

Authorize the Payment of Clerks of Petty Sessions  
in Ireland by Salaries instead of Fees, and  
to amend the Petty Sessions (Ireland) Act,  
1851.

**W**HEREAS it is expedient to authorize the Payment of Preamble.  
Clerks of Petty Sessions in Ireland by Salaries instead of  
Fees, and to amend "The Petty Sessions (Ireland) Act, 14 & 15 Vict.  
1851:" Be it therefore enacted by the Queen's most Excellent c. 93.  
5 Majesty, by and with the Advice and Consent of the Lords Spiritual  
and Temporal, and Commons, in this present Parliament assembled,  
and by the Authority of the same, as follows :

I. In the Construction of this Act, the following Words and Interpreta-  
Expressions shall, if not inconsistent with the Context, have the tion of  
10 Meanings herein-after assigned to them; (that is to say,) "Lord Terms.  
Lieutenant" shall include any other Chief Governor or Governors  
of Ireland; "County" shall include Riding and any Part of a County  
or Riding where Quarter Sessions are held, and shall include County  
of a City and County of a Town; "District" shall mean Petty  
15 Sessions District; "Clerk" shall mean Petty Sessions Clerk, and shall  
include the Clerk of the Justices of any Borough entitled to take  
Fees; "Justice" shall mean Justice of the Peace, and shall include  
[Bill 10.] A the



the Chief Magistrate for the Time being, or the Borough Justices of any Corporate Town; "Treasurer" shall mean Treasurer of the County or Borough, as the Case may be, and shall, as regards the County of Dublin, mean the Finance Committee, or Secretary of the Grand Jury, as the Case may be; and "Assizes," as regards the County of Dublin, shall be held to mean Presenting Term.

Short Title. II. This Act may be cited for all Purposes as "The Petty Sessions (Ireland) Amendment Act, 1858."

From 1st  
Day of Jan.  
1859, Petty  
Sessions  
Clerks shall  
be paid by  
Salaries  
instead of  
Fees.

III. From and after the *First Day of January One thousand eight hundred and fifty-nine*, the Clerks of Petty Sessions in Ireland shall be paid by Salaries instead of Fees, in the Manner and subject to the Provisions herein-after mentioned.

The Clerk of  
each Petty  
Sessions  
shall trans-  
mit a State-  
ment of Fees,  
&c. received  
by him in  
respect of his  
Office to the  
Clerk of the  
Peace of the  
County.

IV. The Clerk of each Petty Sessions District in each County in Ireland shall, on or before the *First Day of September One thousand eight hundred and fifty-eight*, and at any other Time when required so to do by the Clerk of the Peace, transmit to the Clerk of the Peace of the County within which such Petty Sessions are held a Statement in Writing of all lawful Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the *Three Years* then next preceding, as nearly as the same can be ascertained; and in case a Petty Sessions District be situated in Two Counties, then such Statement shall be transmitted to the Clerk of the Peace of each such County; and all such Statements shall be laid by such Clerk of the Peace before the Justices at the next Quarter Sessions for the Division of the County in which such Petty Sessions is held.

Justices at  
Quarter Ses-  
sions shall  
inquire into  
Duties of  
Petty Ses-  
sions Clerks  
within the  
County, and  
Amount of  
Fees, &c. re-  
ceived by  
them, and  
recommend  
that such  
annual Sa-  
laries in lieu  
of Fees shall  
be paid to  
such Clerks  
as they think  
fit, subject

V. The Justices of every County, County of a City, and County of a Town in Ireland, at the Quarter Sessions held for each Division of such County, or such County of a City or County of a Town, next after the passing of this Act, or at some Adjournment thereof, shall inquire into the Nature of the Duties of the Clerk of each Petty Sessions held within such Division, or within such County of a City or County of a Town, and of all Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the *Three Years* then next preceding, as nearly as the same can be ascertained, and shall recommend to the Lord Lieutenant that such annual Salary shall be paid to such Clerk in lieu of Fees and other Payments, as to them shall seem fit, regard being had to the Extent of the Duties of such Clerk; and every such Recommendation, being accompanied by a Statement of the Amount of Fees received at each such Petty Sessions

Sessions during each of the *Three Years* next preceding, as nearly as the same can be ascertained, and being signed by a Majority of the Justices then present, shall be transmitted to the Lord Lieutenant: Provided always, that the Clerk of the Peace shall publish a Notice  
 5 in some Newspaper circulating in the County *Ten Days* at the least before the Quarter Sessions at which such Inquiry is to be held, stating the Time and Place appointed for such Inquiry.

to Approval  
of Lord  
Lieutenant.

VI. The Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration; and thereupon  
 10 the Justices shall, at some Quarter Sessions or Adjournment thereof, of which Notice shall be given in manner aforesaid *Seven Days* at least beforehand, re-consider their said Recommendation, and may alter or amend it.

Lord Lieu-  
tenant may  
approve of  
such Recom-  
mendation,  
or refer it  
back for  
Re-consider-  
ation.

VII. If the Lord Lieutenant shall finally approve of the Recom-  
 15 mendation of the Justices, he shall, by Order under the Hand of the Chief or Under Secretary, direct that such Clerk shall be paid by Salary in lieu of Fees such annual Sum as shall have been finally fixed by such Justices, and approved by the Lord Lieutenant, to commence from the *First Day of January One thousand eight hundred*  
 20 *and fifty-nine*, and to be payable by Two equal half-yearly Payments; and a Copy of every such Order shall be transmitted to the Secretary of the Grand Jury, and Notice thereof shall be published in the Dublin Gazette.

On final  
Approval,  
Lord Lieu-  
tenant shall  
make an  
Order ac-  
cordingly.

Order to be  
published  
in Dublin  
Gazette.

VIII. If the Justices neglect to transmit such Recommendation to  
 25 the Lord Lieutenant, or to re-consider and alter or amend such Recommendation, as the Case may be, the Lord Lieutenant may direct that such Clerk shall be paid by Salary in lieu of Fees such annual Sum as shall appear to be fair and reasonable, and to commence from the *First Day of January One thousand eight hundred and*  
 30 *fifty-nine*.

If the Jus-  
tices neglect  
to transmit  
Recommend-  
ation, Lord  
Lieutenant  
may direct  
Clerk to be  
paid by Sa-  
lary in lieu  
of Fees.

IX. The Salary of any Clerk under any such Order shall be the Remuneration for all Business which such Clerk may by reason of his Office be called upon to perform, save the making of Copies of Informations or Complaints, and no other Payment shall be made for  
 35 any such Business, except the Fee of *Sixpence* for any Copy of an Information or Complaint.

Salary to  
be Remunc-  
eration for  
Business  
performed,  
save making  
Copies of  
Informa-  
tions, &c.

X. The Justices at Quarter Sessions may at any Time, but not more frequently than once in every *Two Years* after the *First Day of January One thousand eight hundred and sixty*, re-consider the Salary  
 40 appointed to be paid to the Clerk (if Notice shall have been given  
 [10.] A 2 that

Justices may  
from Time  
to Time vary  
the Amount  
of Salary,  
subject to

the like  
Approval.

that a Motion will be made for such Purpose in the Manner herein-  
before provided), and may recommend to the Lord Lieutenant that  
such Salary should be increased or diminished, and fixed at such Sum  
as to them shall seem proper; and any such new Recommendation,  
and any Order of the Lord Lieutenant to be made thereon, shall be 5  
dealt with in the same Manner in all respects, and have the like  
Operation and Effect, as any original Recommendation under this  
Act, and Order of the Lord Lieutenant thereon.

Grand Jury  
to present  
Amount of  
Salaries of  
Clerks of  
Petty Ses-  
sions.

XI. The Salary of any Clerk in any County under any such  
Order shall be payable by the County within which such Petty 10  
Sessions District is situate; and the Grand Jury of every such County  
is hereby required and empowered, without Application at Presentment  
Sessions, from Time to Time, at each Assizes, to make Presentment  
of the Sums payable in respect of such Salaries half-yearly to be raised  
off the County at large; the First Presentment to be made at the 15  
Spring Assizes of *One thousand eight hundred and fifty-nine*, and in  
the County of Dublin at the First Presenting Term of *One thousand  
eight hundred and fifty-nine*; and if the Grand Jury shall refuse or  
neglect to make such Presentment, the Court or Judge shall order the  
Amount of such Salaries to be raised off such County, and such 20  
Order shall have the Force of a Presentment, and the Amount therein  
specified shall be raised accordingly.

When Petty  
Sessions  
District in  
Two Coun-  
ties, Sala-  
ries, &c.  
to be appor-  
tioned  
between such  
Counties.

XII. Where any Petty Sessions District shall be locally situate in  
Two Counties, it shall be lawful for the Lord Lieutenant, under the  
Hand of the Chief or Under Secretary, to apportion the Amount of 25  
the Salary which may be payable to the Clerk of such Petty Sessions  
between such Counties, and the Proportion of such Salary payable by  
each County shall be presented and raised in the Manner directed in  
the last preceding Section.

Clerks shall  
account for  
Fees, and pay  
over Amount  
to Treasurer  
of County.

XIII. On and after the *First Day of January One thousand eight* 30  
*hundred and fifty-nine*, the Clerk shall cause all Fees received or  
receivable by him by virtue of his Office, save the Fee of *Sixpence*  
for each Copy of an Information or Complaint, to be duly and  
regularly entered in One or more Books to be kept for that Purpose,  
distinguishing the Fees received under their several Heads, and 35  
shall render a true and faithful Account in Writing to the Treasurer  
of the County of all such Fees, at such Times, and in such Form  
of Account, and with such Particulars of Receipt or otherwise, and  
accompanied by such Vouchers, as the Lord Lieutenant shall from  
Time to Time think proper to direct; and the Treasurer in each 40  
County shall examine such Account, with the Documents annexed  
thereto, and audit and declare the same, and shall lay the same before  
the



the Grand Jury at each Assizes; and the said Clerk in each County shall from Time to Time pay over the Amount of such Fees to the County Bank, to the Credit of the Treasurer, and to be applied in Reduction of the Rates to be raised off the County at large, as the  
5 Grand Jury shall from Time to Time direct: Provided always, that it shall be lawful for such Grand Jury to make such General Regulations as to them shall seem expedient for the Examination and Audit of the Accounts of each Clerk in such County.

XIV. The Sum presented by the Grand Jury for the Salary of any  
10 Clerk in any County and the Salary of the Clerk in any Borough shall be paid to him only when it shall appear to the Grand Jury of such County, on the Report of the Treasurer, that the Clerk has duly accounted for all Fees received or which ought to have been received by him for the Quarter next but One before the Quarter or  
15 Half Year or Year in respect to which such Presentment shall have been made.

When Salaries of Clerks shall be paid.

XV. No Payment, Reward, Fee, or Gratuity, other than his Salary, and the said Fee of *Sixpence* for every Copy of an Information or Complaint, shall be received by any such Clerk in respect of  
20 any Business or Proceedings at Petty Sessions (other than the Fees he is required to account for under the Provisions of this Act), under Pain of Dismissal, and a Penalty of *Ten Pounds* for every such Offence, to be recovered as in Cases of Summary Jurisdiction before the Justices or Justices at Petty Sessions.

Penalty on Clerks receiving Gratuities.

XVI. Where any Justice or Justices shall remit any Fee, in whole or in part, under the Provisions of "The Petty Sessions (Ireland) Act, 1851," such Justice or Justices shall cause an Entry thereof to be made in the Petty Sessions Fee Book, and of the Reason of the Remission, which Entry shall be signed by such Justice or Justices  
30 authorizing such Remission.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices.

XVII. Every Account to be rendered by any Clerk to the Treasurer shall be verified by an Affidavit made by such Clerk before a Justice of the Truth and Accuracy of such Account.

Affidavit to be made by Clerk that Accounts of Fees are correct.

XVIII. If Default shall at any Time be made by any such Clerk  
35 in paying over any Sum of Money due on such Accounts, it shall be lawful for the Treasurer to stay the Payment of any Salary due to such Clerk, or in case of his Death, to his Executors or Administrators, and also to certify such Default to the Justice or Justices at such Petty Sessions, who shall thereupon issue the proper Warrant  
40 for the Levy of such Sum of Money as shall have been certified to be due by such Clerk by Distress and Sale of his Goods and  
[10.] A 3 Chattels,

In default of paying over Sum received for Fees, Amount to be levied by Distress.

Chattels, in his Hands, or in case of his Death, in the Hands of his Executors or Administrators, and in default of Distress and Sale of Goods such Justice or Justices may commit such Clerk to Gaol, there to be imprisoned for any Period not exceeding *Three Months*, unless in the meantime the Amount so certified shall be paid; and the Certificate of such Treasurer shall be *primâ facie* Evidence of such Default. 5

Power to consolidate Petty Sessions Districts.

XIX. Whenever the Justices at Quarter Sessions shall deem it expedient that any Two or more of the Petty Sessions Districts into which any County or Riding is now or shall be hereafter divided should be consolidated, or whenever they shall be called upon so to do by the Lord Lieutenant, or by a Requisition signed by any Seven or more of the Justices of such County or Riding, they may proceed at the next Quarter Sessions which shall be held for such County or Riding, or at any Adjournment of the same for that Purpose, to consolidate such Two or more Petty Sessions Districts into One Petty Sessions District, and shall fix some One convenient Place within such District at which Petty Sessions shall be held for the same, and the Number of Times in each Week when Petty Sessions shall be regularly held in such District, and shall also ascertain the Salary to be paid to the Clerk of such consolidated District, subject to the Approval of the Lord Lieutenant in manner herein-before expressed and provided. 10 15 20

Clerk of the Peace to enter Particulars of such Consolidation in the Crown Book, and transmit Copy to Secretary of Grand Jury.

XX. Whenever any such Petty Sessions Districts shall be so consolidated, and the Place and Times fixed at which Petty Sessions shall be held therein, the Clerk of the Peace shall forthwith enter all Particulars as to the same in the Crown Book, and shall transmit a certified Copy of such Entries to the Secretary of the Grand Jury, to be laid before such Grand Jury at the then next ensuing Assizes (and in the County of Dublin at the then next ensuing Presenting Term), and the same shall be printed with the Presentments. 25 30

Justices may appoint One Clerk to act for such altered District.

XXI. It shall be lawful for the Justices of such Petty Sessions, so altered as aforesaid, to appoint some One fit Person to act as Clerk of such Petty Sessions, and the Clerk so appointed shall perform the several Duties required to be performed by Clerks of Petty Sessions under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act. 35

Justices at Quarter Sessions, with Consent of Lord Lieutenant, may direct that

XXII. Whenever the Justices at Quarter Sessions shall be of opinion that the Clerk of Petty Sessions in any Petty Sessions District might, with Advantage to the Public Service, discharge the Duties of Clerk of Petty Sessions for his own District and for some other Petty Sessions District or Districts adjoining or near thereto, it shall 40

shall be lawful for such Justices, subject to the Approval of the Lord Lieutenant, by Order, under the Hands of a Majority of such Justices, to direct that the Petty Sessions Clerk who shall be specified in such Order shall be the Petty Sessions Clerk for the Districts mentioned  
5 therein; and such Justices shall ascertain the Salary to be paid to such Clerk, subject to the Approval of the Lord Lieutenant, in the Manner as nearly as may be herein-before expressed and provided; and such Salary shall be specified in such Order; and a Copy of every such Order shall be transmitted to the Justices of such Districts and  
10 to the Secretary of the Grand Jury of the County, and shall also be published in the Dublin Gazette, and on such Publication thereof the Clerk specified in such Order shall be the Petty Sessions Clerk for the Districts mentioned therein.

One Petty Sessions Clerk shall act for Two or more Districts.

XXIII. Whenever a Vacancy shall occur by reason of the Death, Resignation, or Dismissal of any Clerk appointed for any Two or more Petty Sessions Districts as aforesaid, it shall be lawful for the Justices of such Petty Sessions Districts to meet at some convenient Place, and to appoint some One fit Person to act as Clerk of such Petty Sessions Districts; and the Clerk so appointed shall perform the several Duties  
20 required to be performed by Clerks of Petty Sessions under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act: Provided always, that a Notice shall be served upon every Justice within such Petty Sessions Districts *Seven* Days at the least previous to such Meeting, of the Time and Place at which such Justices are  
25 to meet to consider such Appointment, either by delivering the same personally to each such Justice, or by leaving the same at his usual Place of Abode.

Mode of filling up Vacancies in the Office of Petty Sessions Clerk for Two or more Petty Sessions Districts.

XXIV. If any Person shall be deprived of his Office of Petty Sessions Clerk by reason of such Petty Sessions Districts having been  
30 so consolidated, and shall not be re-appointed to the Office of Clerk of any other Petty Sessions, the Justices of the County within which the Petty Sessions Districts so consolidated are situate, assembled at the next Quarter Sessions or at some Adjournment thereof, shall inquire into the net Salary, Fees, and Emoluments received by such  
35 Person in respect of the Office of which he had been so deprived, after deducting any Disbursements made thereout or Charges affecting the same, in each of the *Three* Years next preceding such Inquiry, as nearly as the same can be ascertained, and shall by Order under the Hands of a Majority of such Justices present at such Inquiry direct  
40 that such Person shall, from a Time to be specified in such Order, be paid such annual Sum by way of Compensation as shall appear to such Justices fair and reasonable, not exceeding in any Case *Two Thirds* of the net average annual Amount of such Salary, Fees,

Any Petty Sessions Clerk who shall lose his Office by reason of such Consolidation to be compensated.



and Emoluments; and such annual Sum shall be payable to such Person by the County within which the Petty Sessions Districts so consolidated are situate, and shall be presented and raised off the County, and paid to such Person, in the like Manner and subject to the like Regulations as by this Act provided with respect to the 5 Salaries payable to Clerks of Petty Sessions.

Justices at  
Quarter Ses-  
sions may  
grant Super-  
annuations to  
Petty Ses-  
sions Clerks.

XXV. In case the Clerk of any Petty Sessions District shall become, from confirmed Sickness, Age, or Infirmary, incapable of performing the Duties of his Office, it shall be lawful for the Justices of the County within which such Petty Sessions District is situate, 10 assembled at Quarter Sessions or some Adjournment thereof, by Order under the Hands of a Majority of such Justices, to direct that such Clerk be paid such Annuity by way of Superannuation as shall appear to such Justices fair and reasonable, not exceeding *Two Thirds* of the net annual Amount of the Salary, Fees, and Emoluments of 15 such Petty Sessions Clerk; and such annual Sum shall be payable to such Person by the County within which such Petty Sessions District is situate, and shall be presented and raised off the County, and paid to such Person, in the like Manner and subject to the like Regulations as by this Act provided with respect to the Salaries payable to Clerks 20 of Petty Sessions.

Justices at  
Petty Ses-  
sions to make  
additional  
Rules for  
Performance  
of Duties of  
Petty Ses-  
sions Clerk,  
subject to  
Approval of  
Lord Lieu-  
tenant.

XXVI. The Justices at Petty Sessions shall, on or before the *First Day of January One thousand eight hundred and fifty-nine*, make General Rules in respect to the Times and Places of the Attendance of the Clerk of Petty Sessions for issuing Summonses 25 out of Petty Sessions, and for the Performance of any other Duties, in addition to those which such Clerk is required to perform under the Provisions of "*The Petty Sessions (Ireland) Act, 1851*," as to such Justices shall appear necessary; and such Justices shall submit such General Rules so prepared by them to the Lord Lieutenant, for his 30 Approval; and such Rules, when approved by him, shall be printed and observed; and such Justices shall have Power, with the like Approbation, to alter and vary such Rules from Time to Time as they think necessary.

Clerk to  
enter into a  
fresh Recog-  
nizance.

XXVII. Each Petty Sessions Clerk shall, within such Time as shall 35 be appointed by the Lord Lieutenant after the *First Day of January One thousand eight hundred and fifty-nine*, enter into a fresh Recognizance conditioned for the due Discharge of the several Duties required of him under the Provisions of "*The Petty Sessions (Ireland) Act, 1851*," and this Act, with One or more Sureties, and in such 40 Amount as the Lord Lieutenant shall direct; and every such Recognizance

cognizance shall be subject to the several Provisions relating to Recognizances contained in "The Petty Sessions (Ireland) Act, 1851," so far as the same are applicable, and as are not altered by this Act.

- 5 XXVIII. If any Proceeding shall be taken by or before any Justice or Justices in respect of which any Fees shall be payable, but shall not be paid, it shall be lawful for any of the said Justices to make Order for Payment of the same, and such Order shall have the like Effect and be enforced in like Manner as any other Order made at  
10 Petty Sessions.

Mode of recovering Fees due and unpaid.

- XXIX. So long as the Hereditary Revenues of the Crown shall not be payable to Her Majesty, Her Heirs and Successors, all Fines or penal Sums payable to the Crown in any County or Borough in Ireland, and lodged to the Credit of the Fund arising from Fines and  
15 Penalties under the Provisions of "The Fines Act (Ireland), 1851," Section Fourteen, over and above the Charges placed upon the said Fund under the Provisions of the Fifteenth Section of the said Act, save and except any Fines or penal Sums imposed, levied, or received at any of the Divisional Police Offices of Dublin Metropolis, shall be  
20 transferred to the Credit of the Treasurer of such County or Borough, as the Case may be, to be applied in the Reduction of the Rates to be raised off the County at large, or in aid of the Borough Fund or Borough Rate, at such Times and in such Manner as the Lord Lieutenant shall direct.

All Fines or penal Sums levied in any County (save as herein mentioned) to be paid to the Credit of the Treasurer, to be applied in the Reduction of Rates.

- 25 XXX. Any lawful Charges and Expenses which shall be necessarily incurred by the Clerk of the Peace in carrying into effect the Provisions of this Act in any Petty Sessions District in Ireland shall be payable by the County within which such Petty Sessions District is situate, and shall be presented and raised off the County,  
30 and paid, in the like Manner and subject to the like Regulations as by this Act provided with respect to the Salaries payable to Clerks of Petty Sessions.

Expenses incurred by Clerk of Peace in carrying into effect this Act to be paid by Counties.

- XXXI. The Lord Lieutenant may make such General Regulations as shall seem expedient for carrying into effect the Provisions of this  
35 Act, and for checking of the Accounts of such Petty Sessions Clerks.

Lord Lieutenant to make General Regulations.

XXXII. The Salary or Allowance payable to any Clerk may be at any Time withheld, on the Certificate of the Chief or Under Secretary that such Clerk has not duly accounted for the Fines for which he  
[10.] B shall

Salary of Petty Sessions Clerk may be withheld

held in case  
of his not  
duly account-  
ing for  
Fines, &c.

Clerk liable  
to be dis-  
missed in  
like Manner  
as before the  
passing of  
this Act.

shall be required to account, under the Provisions of "The Fines Act (Ireland), 1851."

XXXIII. Every such Clerk shall be liable to be dismissed from his Office in like Manner as he might have been dismissed therefrom before the passing of this Act, and nothing in this Act shall give him 5 any greater or other Interest in the Tenure of his Office than he might have lawfully claimed if this Act had not passed.

Nothing  
herein to  
affect the  
Duties of  
Petty Ses-  
sions Clerks  
to account  
for Fines.

XXXIV. Nothing in this Act shall extend to alter or affect the Duties and Liabilities of Clerks of Petty Sessions to make Entries and render Accounts of all such penal Sums as shall be ordered to be 10 paid at Petty Sessions under the Provisions of "The Fines Act (Ireland), 1851."

"Petty Ses-  
sions (Ire-  
land) Act,  
1851," in-  
corporated  
with this  
Act.

XXXV. All the Provisions of "The Petty Sessions (Ireland) Act, 1851," shall, subject to the Provisions herein contained, extend to and 15 be taken as Part of this Act, except so far as the same are inconsistent therewith.

Act to extend  
to Ireland  
only.

XXXVI. This Act shall extend to Ireland only, and shall not affect the Borough of Dublin or the Dublin Metropolitan Police District, or the Borough of Belfast and the District of the Petty 20 Sessions of the said Borough.





# Clerks of Petty Sessions (Ireland.)

---

A

## B I L L

To authorize the Payment of Clerks of  
Petty Sessions in Ireland by Salaries  
instead of Fees, and to amend the  
Petty Sessions (Ireland) Act, 1851.

*(Prepared and brought in by  
Mr. Henry Herbert and Mr. Attorney General  
for Ireland.)*

---

*Ordered, by The House of Commons, to be Printed,  
8 February 1858.*

---

[Bill 10.]

*Under 2 oz.*

8 June 1858. 21 VICT.



(Ireland.)

A

# B I L L

TO

## Regulate the Office of Clerk of Petty Sessions in Ireland.

**W**HEREAS it is expedient further to regulate the Office of Clerk of Petty Sessions in Ireland: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. This Act may be cited for all Purposes as "The Petty Sessions Clerk (Ireland) Act, 1858."

II. "The Petty Sessions (Ireland) Act, 1851," except so far as the same is hereby repealed, shall be incorporated with this Act.

Incorporation of Petty Sessions Act, 1851.

III. In the Interpretation of this Act, except when repugnant to the Context or Subject Matter, the several Words and Expressions herein-after mentioned shall have the several Meanings appropriated to them hereby; (that is to say,) the Term "Oath" or "Affidavit" shall include Affirmation or Declaration; the Word "District" shall mean Petty Sessions District; the Word "Clerk" shall mean Petty Sessions Clerk, and shall include the Clerk of the Justices of any Borough save Dublin; "Lord Lieutenant" shall include the Lords

Interpretation Clause.

[Bill 113.]

A

Justices



Justices or other Chief Governor or Governors of Ireland; "Chief or Under Secretary" shall mean the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland; "Registrar" shall mean the Clerk of Fines and Penalties in the Castle of Dublin, or such other Person as the Lord Lieutenant may appoint 5 to discharge the Duties prescribed by this Act for the Registrar to perform; "County in which the Petty Sessions District is situate," and "Division in which the Petty Sessions District is situate," shall, in the Case of Districts locally situate in more Counties or more Divisions than One, respectively mean the County or Quarter Sessions 10 Division, as the Case may be, in which the District Petty Sessions are held.

Repeal of Acts.

IV. From and after the *First Day of January One thousand eight hundred and fifty-nine* the Second, Third, and Fourth Sections of "The Petty Sessions (Ireland) Act, 1851," shall be and are hereby 15 repealed, but such Repeal shall not prejudice or affect any Proceedings instituted before the Time of such Repeal, nor shall it be construed to lessen or affect any Right to which any Person may at the Time of such Repeal be entitled under such repealed Enactments or any Liabilities then existing and incurred thereunder. 20

Persons in Office shall continue.

V. All Persons who on the *passing of this Act* shall hold the Office of Petty Sessions Clerk in Ireland shall continue to hold such Office, subject to the Provisions of this Act, until he shall die, resign, or be removed.

One Clerk may be appointed to several Districts.

VI. It shall be lawful for the Lord Lieutenant at any Time here- 25 after to order and declare that from a certain Time therein to be named Two or more Districts shall be served by One and the same Person as Clerk, and to fix the Salary to be paid to such Person as Clerk according to the Scale in Schedule (A.) hereto annexed, and such Order and Declaration shall be published in the Dublin Gazette, 30 and shall be notified by the Chief or Under Secretary to the Clerk of the Peace of the County in which the said Districts are situate; and the Justices assembled at the then next Quarter Sessions for the Division of the County in which such Districts shall be situate, or if the said Districts shall be in more than One Division, then at the 35 Quarter Sessions for such Division as the Lord Lieutenant shall appoint, shall proceed to nominate and appoint some one of the Persons who have filled the Office of Petty Sessions Clerk in One of the said Districts immediately before the pronouncing of the said Order, or in case of the Unfitness of all such Persons, then some other 40 proper and fit Person to be the Clerk of such Districts, and such Appointment

Appointment shall forthwith be notified by the Clerk of the Peace to the Registrar.

VII. As often as any Vacancy shall arise in the Office of Petty Sessions Clerk for any District or Districts, the Justices in Quarter Sessions assembled for the Division of the County in which such District or Districts shall be situate, or if the said District shall be in more than One Division, then at the Quarter Sessions of the Division which the Lord Lieutenant shall have appointed, shall proceed to nominate and appoint some proper Person to fill the said Office, and such Appointment when made shall be forthwith notified by the Clerk of the Peace to the Registrar.

Appoint-  
ment of  
Clerks.

VIII. Every Petty Sessions Clerk in Ireland shall, on and after the *First Day of January One thousand eight hundred and fifty-nine* hold his Office subject to the following Provisions:

Duties of  
Petty Ses-  
sions Clerk.

1. He shall hold such Office during the Pleasure of the Justices of the District or Districts of which he shall be Clerk, and of the Lord Lieutenant:
2. He shall not practise as a Barrister, or Attorney or Solicitor in any Case, nor shall he act as the Clerk of an Attorney or Solicitor, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or as a Pound Keeper, or be concerned in the Keeping of any Hotel, Tavern, Eating House, or House licensed for the Sale of Liquor to be consumed on the Premises, nor shall he engage in any Business or Occupation which the Lord Lieutenant by any general or special Order shall have prohibited:
3. In addition to the Duties which he shall be bound to discharge under the Provisions of the Fifth Section of "The Petty Sessions (Ireland) Act, 1851," he shall perform the several Duties expressly or impliedly imposed on him by this Act with reference to the keeping of and accounting for all Sums of Money received by him in his official Capacity, and shall also observe and perform all the other Regulations of this Act in reference to his Office and the Duties thereof; and it shall also be his Duty, within *Two* Days after the same shall have been taken, to transmit to the Crown Solicitor acting for the County in which such Petty Sessions shall be held, or in which any indictable Offence shall be committed, a fair and correct Copy of every Information taken before any of the Justices of his District or Districts with respect to such Offence; and every Justice who shall take any Information out of Petty Sessions is hereby required forthwith to transmit the same to the Clerk of the District to which the same shall properly belong:

To transmit  
Copies of  
Informations  
to Crown  
Solicitors.

4. He shall perform the Duties of his Office in Person and not by Deputy, except in Cases of Sickness, unavoidable Absence, or other Emergency, when the Justices at Petty Sessions may appoint some other Person to act as Clerk at such Petty Sessions for the Time being; and such Substitute shall, if 5 required by the Justices, enter into Security for the due Discharge of his Duties in such Manner as the Justices shall think fit.

Lord Lieutenant to fix Salary of Petty Sessions Clerk.

IX. The Lord Lieutenant shall fix the Amount of annual Salary to be paid to every Petty Sessions Clerk, according to the Scale in 10 Schedule (A.) hereto annexed; and the same when so fixed shall be paid half-yearly in manner herein-after set forth; and the better to enable the Lord Lieutenant to ascertain and fix, or, as Occasion may require, to alter such Salary, the Justices of each Petty Sessions District shall, when required so to do by the Chief or Under Secretary, 15 cause due and faithful Returns to be made of the Amount of Business done, and of all Fees and Fines received in such Petty Sessions District, for the Period required, not exceeding *Seven* Years next previous to such Requisition; and the Amount of Salary when so fixed shall be duly notified by the Chief or Under Secretary to the Registrar, 20 and also to the Justices of the Petty Sessions District.

Allowance for Contingencies.

X. It shall be lawful for the Lord Lieutenant to direct that such annual or other Allowance as he shall think right shall be made to each Petty Sessions District for the Payment of Postage, and for the Purchase of Books, Stationery, Court Requisites, Expenses of Court 25 House, and other Matters.

Petty Sessions Clerk shall give Security.

XI. Every Person who shall be appointed or shall act as Clerk of Petty Sessions under the Provisions of this Act shall, before entering on such his Office, give Security for the due Discharge of his Duties as such Clerk; and such Security shall be given by a Recognizance 30 with Two Sureties, to be approved of by any Two of the Justices of his District or Districts, in *double* the Amount of the annual Salary of such Petty Sessions Clerk; and every such Recognizance may be in the Form (B.) in the Schedule to this Act, or to the like Effect, and the same shall, when perfected, be deposited by the Justices with the 35 Registrar at his Office in Dublin: Provided always, that notwithstanding anything herein-before contained it shall be lawful for the Lord Lieutenant to direct that the Security of any Guarantee Society established by Charter or Act of Parliament in Great Britain or Ireland may be accepted in lieu of such Security by Recognizance as 40 aforesaid; provided also, that it shall be lawful for the Lord Lieutenant, when and so often as, from the Death or Insolvency of Sureties



Sureties or other Circumstances, he shall think right so to do, to direct that new Security shall be given and entered into, by Recognizance or otherwise, as he shall direct, and the same shall be given and entered into accordingly.

5 XII. No Petty Sessions Clerk shall proceed to execute the Duties of his Office after the *Thirty-first Day of December One thousand eight hundred and fifty-eight*, until he shall have taken and subscribed the following Oath before some Justice of the Peace; (that is to say,)

Oath of Petty Sessions Clerk.

10 ' I *A. B.* do solemnly and sincerely swear, That I will faithfully and  
' to the best of my Skill and Power execute the Office of Petty  
' Sessions Clerk of the District of , and that I will obey  
' all lawful Orders and Commands that may be given to me, and that  
' I will duly and faithfully account for all Moneys or other Property  
15 ' that shall come into my Hands or Power and for which I shall  
' be liable to account, and that I will not disclose or communicate  
' any Matter or Thing which it shall be my Duty to conceal or  
' withhold. ' So help me GOD.'

20 And the said Oath when so subscribed shall be forthwith transmitted by Post by the Justice taking the same to the Registrar, to be by him carefully preserved.

XIII. Whenever, under the Provisions of this Act, any Person shall cease to hold the Office of Clerk of Petty Sessions, by reason of Inability to perform its Duties, or by reason of the Consolidation of Petty Sessions Districts, or the Consolidation of the Office of Clerk, it shall be lawful for the Lord Lieutenant, if he shall so think fit, upon the Recommendation of the Justices of the District of which such Person had been the Petty Sessions Clerk, and by an Order under the Hand of the Chief or Under Secretary, to direct that out of the Fines and Penalties Fund such Person shall be paid such gross Sum by way of Gratuity, or such annual Sum by way of Pension, as to the Lord Lieutenant shall under all the Circumstances appear to be just, such Gratuity not in any Case to exceed the Amount of *Two Years Salary*, and such Pension not in any Case to exceed *Two Thirds* of the Salary which such Person had received as Clerk of Petty Sessions previous to his vacating Office, and such Pension shall in every Case cease to be paid when such Person shall have been appointed to the Office of Petty Sessions Clerk of any District or Districts, or to any other Public Office or Situation which shall appear to the Lord Lieutenant to be of equal Value with the Office of Petty Sessions Clerk which such Person shall have ceased to hold.

Gratuity or Provision may be given to retiring Clerks.

All Salaries,  
&c. to be  
paid half-  
yearly.

XIV. Every Salary payable to any Clerk of Petty Sessions, and every annual Sum payable by way of Compensation or Superannuation Allowance, under the Provisions of this Act as aforesaid, shall be made payable by virtue of an Order of the Lord Lieutenant, under the Hand of the Chief or Under Secretary, and every such Order shall direct the Salary or Salaries, or other Sum or Sums mentioned therein to be paid to the Person or Persons mentioned therein, by Two half-yearly Payments in each Year; that is to say, on the First Day of January and the First Day of July.

Compensa-  
tion to Clerks  
of the Crown,  
and Clerks  
of the Peace.

XV. And whereas certain Fees and Emoluments have been heretofore received by Clerks of the Crown and Clerks of the Peace in Ireland in respect of Copies of Informations furnished by them to the Crown Solicitors, and the same may be prejudicially affected by this Act: Be it enacted, That in case any Clerk of the Crown or Clerk of the Peace in Ireland shall consider himself to be aggrieved by the Provisions of this Act, or any of them, it shall be lawful for him to memorialize the Lord Lieutenant of Ireland, setting forth the average Amount for the last *Five* Years before the passing of this Act of the annual Profits and Emoluments which he has been deprived of by this Act, and such Memorial shall be verified by the Oath of such Clerk of the Crown or Clerk of the Peace, to be taken before any Justice of the Peace; and on the Reception thereof, and on the Lord Lieutenant being satisfied of the Correctness of the Statements therein, and as to such other Matters as he shall think fit to inquire into, it shall be lawful for the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, by Warrant under his Hand, and out of the Fines and Penalties Fund, to award to such Clerk of the Crown or Clerk of the Peace a Sum of Money or annual Payment, of such Amount as he shall think reasonable and just, by way of Compensation for the Loss of such Profits and Emoluments as aforesaid.

Stamps in  
lieu of Fees.

XVI. *Every Document enumerated in the Schedule (C.) to this Act annexed shall after the First Day of January One thousand eight hundred and fifty-nine be printed or written upon Paper bearing a Stamp denoting the Amount or Value set opposite to such Document in that Schedule; and where any such Document shall consist of more than One Sheet, the First Sheet only shall be impressed with the Stamp; and no Fees or Stamp Duties other than those contained in Schedule (C.) shall be payable in respect of any of the Documents therein enumerated.*

The Regis-  
trar to sup-  
ply printed

XVII. The Registrar shall, under the Direction and Supervision of the Chief or Under Secretary, cause a sufficient Supply of the said Forms

Forms in Schedule (B.) to be printed, *and to be stamped according to this Act, with proper Stamps denoting the Stamp Duty thereon*, and shall cause the same, when so printed *and stamped*, to be from Time to Time furnished to the several Petty Sessions Clerks in Ireland, 5 and also to such licensed Dealers in Stamps as may apply for and be willing to sell the same by retail *at the Price or Sum impressed thereon*, and he shall also cause the printed *and stamped* Forms of Summonses, Informations, and Warrants to be furnished to the several Sub-Inspectors or other Officers of Constabulary for the Use of the 10 Constabulary Force under their Control.

Forms on stamped Paper.

XVIII. Upon every such Supply being made to any Petty Sessions Clerk as aforesaid, his Receipt for the Amount so supplied to him shall be taken by the Registrar, and the *stamped* Forms so supplied shall be accounted for in manner herein-after mentioned, and the 15 *stamped* Forms to be supplied to the Sub-Inspectors or other Officers of Constabulary shall be sold and supplied upon Payment of the Amount *impressed upon the Stamp*; and upon the Sale and Supply of *stamped* Forms as aforesaid to licensed Dealers in Stamps an Allowance or Discount *from the Amount of the impressed Duty* shall be 20 made at and after the Rate of *One Shilling* in the Pound.

Accounts and Allowances.

XIX. *The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act) in all 25 Cases not hereby provided for be in full Force and Effect with respect to the stamped Forms and Documents to be provided under the Provisions of this Act, and shall be applied and put in execution for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto as fully and effectually, to all Intents and 30 Purposes, as if such Provision had been adapted to and specially enacted by this Act in reference to the stamped Forms and Documents hereby provided.*

The Provisions of the Stamp Acts, as far as applicable, to be extended to this Act.

XX. *It shall be lawful for the Justices at Petty Sessions in any Case to remit in whole or in part the Duties payable in respect of the 35 stamped Forms to be used therein; and on the Occasion of every such Remission some One of the Justices shall, by Endorsement on the Forms or by a separate Certificate, notify such Remission accordingly, and the Cause thereof.*

Justices may remit Duties.

XXI. *The Lord Lieutenant may by any General Rule make 40 Regulation for the Allowance of such of the stamped Forms issued under the Provisions of this Act as may have been remitted or spoiled*

Allowance for stamped Forms spoiled, assured, &c.



*or rendered useless or unfit for the Purpose intended, or for which the Owner may have no Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed for, or by repaying the impressed Amount or Value to the Owner or 5 Holder thereof, after deducting the Discount or Poundage (if any) that may have been allowed for the Sale or Distribution of such Stamps.*

Stamps issued to Constabulary, how to be disposed of.

XXII. When any of such Forms or Documents shall be issued by the Registrar to any Sub-Inspector or other Officer of Constabulary, 10 he shall distribute the same as he shall think fit amongst the several Constabulary Stations or Sub-Stations within the Districts to which his Duties shall extend, to be used and employed only in the Cases of Prosecutions by the Constabulary.

Petty Sessions Clerk shall fill up Forms when required.

XXIII. Every Petty Sessions Clerk shall, when required so to do, 15 and as a Part of his Duty and without Charge, properly fill up all stamped Forms that may be purchased of him.

Petty Sessions Clerk to account with the Registrar half-yearly.

XXIV. Every Petty Sessions Clerk shall account with the Registrar twice in each Year for all Stamps issued to him since his Appointment, or since the Period to which his last previous Account 20 may have been carried down; and such Account shall be made and passed in such Form, and at such Times and in such Manner as the Lord Lieutenant shall for that Purpose direct; and upon every such Account an Allowance of Twenty-five per Cent. shall be made to every Petty Sessions Clerk upon the Amount of Stamps sold and 25 disposed of by him since his last accounting; and when such Account shall be so taken the Amount of Salary of such Petty Sessions Clerk due up to and for the last previous Day of Payment, or the Balance that may be due thereof, after debiting him with the Amount due for Stamps so sold as aforesaid, and after all just Credits and Allowances 30 shall be paid to such Petty Sessions Clerk by the Registrar, or in case a Balance shall, upon such accounting, be found to be due by such Petty Sessions Clerk, the same shall be forthwith paid by him to the said Registrar.

Accounts to be verified.

XXV. Every such Account shall be verified by the Affidavit or 35 Affirmation of the Petty Sessions Clerk, to be made before the Registrar or One of the Justices of the District or One of the Districts to which the said Clerk shall belong.

Allowances in Case of Constabu-

XXVI. Whenever any Case at Petty Sessions shall be prosecuted by the Constabulary or any Public Officer on behalf of the Crown, 40  
some

some One of the Justices at Petty Sessions shall, when required so to do, indorse upon each of the *stamped* Forms used in and for the Purpose of such Prosecution the Words "Constabulary Prosecution," or "Public Prosecution," as the Case may be, and sign his Name thereto; and the Sub-Inspector or other Officer to whom the Forms so used and indorsed as aforesaid may have been supplied shall, upon Production thereof to the Registrar, and upon his making a solemn Declaration that no Part thereof has been recovered as Costs of Prosecution or is likely to be so recovered, be entitled to receive and shall receive other *stamped* Forms to the nominal Amount or Value of those so produced as aforesaid.

lary or other  
public Pro-  
secution.

XXVII. It shall be lawful for the Lord Lieutenant, by any Writing under his Hand, to direct that the Registrar shall have and be allowed to retain such annual Sum as he may think fit by way of Remuneration for his Trouble in performing the Duties imposed on him by this Act.

Salary to  
Registrar.

XXVIII. The Registrar shall make out and prepare an annual Statement of his Accounts under this Act, at such Time and in such Form as the Lord Lieutenant shall direct, and the same shall be audited by the Chief or Under Secretary; and such Account, when so made out, prepared, and passed, shall be laid before Parliament within *Twenty* Days after the Commencement of the then next Session thereof.

Accounts of  
Registrar.

XXIX. *In addition to the Stamp Duties by this Act provided*, the Fund arising from the Collection of Fines, Amerciaments, and forfeited Recognizances in Ireland, heretofore referred to as the Fines and Penalties Fund, and all Accumulations thereof now existing, or so much thereof as may be necessary, shall be at the Disposal of the Lord Lieutenant for the several Purposes of this Act.

The Fund  
from Fines,  
&c., to be at  
Lord Lieu-  
tenant's Dis-  
posal.

XXX. It shall be lawful for the Lord Lieutenant to make such General Rules as shall seem to him expedient for the Purpose of carrying into effect the Provisions of this Act, and from Time to Time to amend and vary such Rules, as Occasion shall require.

Lord Lieu-  
tenant to  
make Gene-  
ral Rules.

XXXI. This Act shall extend to Ireland only, but nothing herein contained shall apply to the Borough of Dublin or to the Dublin Metropolitan Police District.

Limits of  
Act.

## SCHEDULES.

---

### SCHEDULE (A.)

---

*Scale of Salaries of Petty Sessions Clerks.*

|                   | £              |
|-------------------|----------------|
| Class 1, shall be | 200 per annum. |
| „ 2, „            | 100 „          |
| „ 3, „            | 50 „           |
| „ 4, „            | 35 „           |
| „ 5, „            | 25 „           |

---

### SCHEDULE (B.)

---

*Form of Recognizances on Appointment of Petty Sessions Clerk.*

County of *W.* } BE it remembered, That on the      Day of  
to wit. }      "185      , *A.B.*, of      , &c.,  
*C.D.*, of      , &c., and *E.F.*, of      , &c., personally came  
before me, and acknowledged themselves to owe to our Lady the  
Queen the Sum of      Pounds each, to be levied off their Goods  
and Lands, to the Use of Her said Majesty, if the said *A.B.* shall fail  
in the Conditions under written.

*G.H.*, One of the Justices of the Peace  
for the County of      .

Whereas the said *A.B.* hath been lately appointed to the Office of  
Petty Sessions Clerk for the District [*or Districts*] of      , &c.:  
Now the Condition of the above-written Recognizance is such, that if  
the said *A.B.* shall well and faithfully account for all Moneys which  
shall come to his Hands or Power by virtue of such his Office, and  
shall carefully preserve all Books and other Property that may be  
entrusted to his Charge, and deliver up the same when he shall be  
required so to do by the Lord Lieutenant, or the Justices of the  
District to which such Books or other Property shall belong, and  
shall well and faithfully perform all and singular the Duties by Law  
imposed or to be imposed upon him as such Petty Sessions Clerk as  
aforesaid; then the said Recognizance to be void, or else to remain in  
full Force.

---



### SCHEDULE (C.)

---

#### *Stamp Duties on Forms.*

|                                                                                                                                                        | <i>s.</i> | <i>d.</i> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| On every Summons - - - - -                                                                                                                             | 0         | 6         |
| On every Information or Deposition - - - - -                                                                                                           | 1         | 0         |
| (The Recognizance to bind the Deponent to prosecute or give Evidence may be added at Foot, without any further Stamp Duty.)                            |           |           |
| On every solemn Declaration (not being a Declaration as to Loss of Pawnbrokers Duplicates or as to the Admission of Paupers into Workhouses) - - - - - | 1         | 0         |
| On every Copy of any written Information or Complaint in summary Proceedings - - - - -                                                                 | 0         | 6         |
| On every Warrant - - - - -                                                                                                                             | 0         | 6         |
| On every Recognizance, when not at Foot of an Information or Deposition - - - - -                                                                      | 1         | 0         |
| On every Certificate of Order - - - - -                                                                                                                | 1         | 0         |
| On every Appeal, including the Recognizance to prosecute - - - - -                                                                                     | 2         | 0         |
| On every Certificate of Justices to obtain an Excise Licence - - - - -                                                                                 | 2         | 6         |

# Clerk of Petty Sessions.

(Ireland.)

A

## B I L L

To regulate the Office of Clerk of Petty  
Sessions in Ireland.

*(Prepared and brought in by  
Lord Naas and Mr. Attorney General for  
Ireland.)*

---

*Ordered, by The House of Commons, to be Printed,  
8 June 1858.*

---

[Bill 113.]

*Under 2 oz.*

24 June 1858. 21 & 22 Vic't.



(Ireland.)

A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

## Regulate the Office of Clerk of Petty Sessions in Ireland.

**W**HEREAS it is expedient further to regulate the Office of Preamble.  
Clerk of Petty Sessions in Ireland: Be it therefore enacted  
by the Queen's most Excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and  
5 Commons, in this present Parliament assembled, and by the Authority  
of the same, as follows :

I. This Act may be cited for all Purposes as "The Petty Sessions Short Title.  
Clerk (Ireland) Act, 1858."

10 II. "The Petty Sessions (Ireland) Act, 1851," except so far as the Incorporation of Petty Sessions Act, 1851.  
same is hereby repealed, shall be incorporated with this Act.

15 III. In the Interpretation of this Act, except when repugnant to Interpretation Clause.  
the Context or Subject Matter, the several Words and Expressions  
herein-after mentioned shall have the several Meanings appropriated  
to them hereby; (that is to say,) the Term "Oath" or "Affidavit"  
shall include Affirmation or Declaration; the Word "District" shall  
mean Petty Sessions District; the Word "Clerk" shall mean Petty  
Sessions Clerk, and shall include the Clerk of the Justices of any  
Borough save Dublin; "Lord Lieutenant" shall include the Lords  
[Bill 157.] A Justices



Justices or other Chief Governor or Governors of Ireland; "Chief or Under Secretary" shall mean the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland; "Registrar" shall mean the Clerk of Fines and Penalties in the Castle of Dublin, or such other Person as the Lord Lieutenant may appoint 5 to discharge the Duties prescribed by this Act for the Registrar to perform; "County in which the Petty Sessions District is situate," and "Division in which the Petty Sessions District is situate," shall, in the Case of Districts locally situate in more Counties or more Divisions than One, respectively mean the County or Quarter Sessions 10 Division, as the Case may be, in which the District Petty Sessions are held; "Stamp Duties on Forms" shall extend and apply to any Paper, Book, or Document, upon which an adhesive Stamp shall have been affixed under the Provisions of this Act.

Repeal of Acts.

IV. From and after the First Day of January One thousand eight 15 hundred and fifty-nine the Second, Third, and Fourth Sections of "The Petty Sessions (Ireland) Act, 1851," shall be and are hereby repealed, but such Repeal shall not prejudice or affect any Proceedings instituted before the Time of such Repeal, nor shall it be construed to lessen or affect any Right to which any Person may at the Time of 20 such Repeal be entitled under such repealed Enactments or any Liabilities then existing and incurred thereunder.

Persons in Office shall continue.

V. All Persons who on the passing of this Act shall hold the Office of Petty Sessions Clerk in Ireland shall continue to hold such Office, subject to the Provisions of this Act, until he shall die, resign, or be 25 removed.

One Clerk may be appointed to several Districts.

VI. It shall be lawful for the Lord Lieutenant at any Time hereafter to order and declare that from a certain Time therein to be named Two or more Districts shall be served by One and the same Person as Clerk, and to fix the Salary to be paid to such Person as 30 Clerk according to the Scale in Schedule (A) hereto annexed, and such Order and Declaration shall be published in the Dublin Gazette, and shall be notified by the Chief or Under Secretary to the Clerk of the Peace of the County in which the said Districts are situate; and the Justices assembled at the then next Quarter Sessions for the 35 Division of the County in which such Districts shall be situate, or if the said Districts shall be in more than One Division, then at the Quarter Sessions for such Division as the Lord Lieutenant shall appoint, shall proceed to nominate and appoint some one of the Persons who have filled the Office of Petty Sessions Clerk in One of 40 the said Districts immediately before the pronouncing of the said Order, or in case of the Unfitness of all such Persons, then some other proper and fit Person to be the Clerk of such Districts, and such Appointment

Appointment shall forthwith be notified by the Clerk of the Peace to the Registrar.

VII. As often as any Vacancy shall arise in the Office of Petty Sessions Clerk for any District or Districts, the Justices in Quarter Sessions assembled for the Division of the County in which such District or Districts shall be situate, or if the said District shall be in more than One Division, then at the Quarter Sessions of the Division which the Lord Lieutenant shall have appointed, shall proceed to nominate and appoint some proper Person to fill the said Office, and such Appointment when made shall be forthwith notified by the Clerk of the Peace to the Registrar: Provided, that in any Borough in which, within the Meaning of the Act of the Third and Fourth Years of Her Majesty, Chapter One hundred and eight, a Commission of the Peace has been or shall be granted, and in and for which Borough Petty Sessions are or shall be holden, the Clerk shall, when and so often as a Vacancy shall arise, be nominated and appointed by the Justices of such Borough.

Appoint-  
ment of  
Clerks.

VIII. Every Petty Sessions Clerk in Ireland shall, on and after the First Day of January One thousand eight hundred and fifty-nine hold his Office subject to the following Provisions:

Duties of  
Petty Ses-  
sions Clerk.

1. He shall hold such Office during the Pleasure of the Justices of the District or Districts of which he shall be Clerk, and of the Lord Lieutenant:
2. He shall not practise as a Barrister, or Attorney or Solicitor in any Case, nor shall he act as the Clerk of an Attorney or Solicitor, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or be concerned in the Keeping of any Hotel, Tavern, Eating House, or House licensed for the Sale of Liquor to be consumed on the Premises, nor shall he engage in any Business or Occupation which the Lord Lieutenant by any general or special Order shall have prohibited: But this Enactment shall not apply to Clerks who may be engaged in any Business, Profession, or Occupation, or who shall hold any Appointment other than that of Petty Sessions Clerk at the Time of the passing of this Act:
3. In addition to the Duties which he shall be bound to discharge under the Provisions of the Fifth Section of "The Petty Sessions (Ireland) Act, 1851," he shall perform the several Duties expressly or impliedly imposed on him by this Act with reference to the keeping of and accounting for all Sums of Money received by him in his official Capacity, and shall also observe and perform all the other Regulations of this Act in reference to his Office and the Duties thereof; and it shall also

To transmit  
Copies of  
Informations  
to Crown  
Solicitors.

be his Duty, within Two Days after the same shall have been taken, to make and transmit to the Crown Solicitor acting for the County in which such Petty Sessions shall be held, or in which any Offence to be prosecuted by Indictment shall be committed, a fair and correct Copy of every Information taken 5 before any of the Justices of his District or Districts with respect to such Offence; and every Justice who shall take any Information out of Petty Sessions is hereby required forthwith to transmit the same to the Clerk of the District to which the same shall properly belong :

4. He shall perform the Duties of his Office in Person and not by Deputy, except in Cases of Sickness, unavoidable Absence, or other Emergency, when the Justices at Petty Sessions may appoint some other Person to act as Clerk at such Petty Sessions for the Time being; and such Substitute shall, if 10 required by the Justices, enter into Security for the due Discharge of his Duties in such Manner as the Justices shall think fit :
5. In case no Justice shall be in attendance for One Hour after the Time appointed for the holding of any Petty Sessions, it 20 shall be lawful for the Clerk to adjourn the holding of such Petty Sessions, and the hearing of all Proceedings thereat, to the next Petty Sessions Day; and upon such Adjournment being made he shall make an Entry thereof in the Minute Book, and post a Notice thereof on the Door of the Petty 25 Sessions Court-house: All Persons summoned or under Recognizance to attend at such adjourned Sessions shall, without fresh Summons or Recognizance, be bound to attend on the Day to which such Adjournment shall have been made: 30
6. In every Case of an Appeal from a Summary Conviction for any Offence, and when the Appellant shall have entered into a Recognizance to prosecute such Appeal, the Clerk shall forthwith cause a Notice of such Appeal having been entered into to be duly served upon the Complainant, who shall be 35 the Respondent in such Appeal, and the said Service shall be effected in like Manner as Summonses are now by Law required to be served; and by the said Notice the Respondent shall be required to attend with the necessary Witnesses on the Hearing of such Appeal: *The Stamp Duty on such* 40 *Notice and* the Expenses of Service thereof, shall be borne and paid by the Appellant as Part of the Costs of the Appeal: In case any Respondent shall upon being served with such Notice fail to comply with the Exigency thereof, he shall be liable to a Fine not exceeding Five Pounds, or such greater 45 Sum



5 Sum as the Appellant may have been adjudged to pay upon such Conviction, to be recovered and levied upon a Prosecution by the Constabulary as in other Cases mentioned in the Petty Sessions (Ireland) Act, 1851: Provided always, that it shall be lawful for the Justices upon the hearing of such Matter to remit the whole or any Part of such Penalty if they shall be of opinion that the Respondent in such Appeal had any sufficient Excuse for such his Non-compliance.

10 IX. The Lord Lieutenant shall fix the Amount of annual Salary to be paid to every Petty Sessions Clerk, according to the Scale in Schedule (A.) hereto annexed; and the same when so fixed shall be paid half-yearly in the manner herein-after set forth; and the better to enable the Lord Lieutenant to ascertain and fix, or, as Occasion may require, to alter such Salary, the Justices of each Petty Sessions District shall, when required so to do by the Chief or Under Secretary, 15 cause due and faithful Returns to be made of the Amount of Business done, and of all Fees and Fines received in such Petty Sessions District, for the Period required, not exceeding Seven Years next previous to such Requisition; and the Amount of Salary when so fixed shall be duly notified by the Chief or Under Secretary to the Registrar, 20 and also to the Justices of the Petty Sessions District, and such Salary shall be paid in the Manner herein-after mentioned.

Lord Lieutenant to fix Salary of Petty Sessions Clerk.

25 X. It shall be lawful for the Lord Lieutenant to direct that such annual or other Allowance as he shall think right shall be made to each Petty Sessions District for the Payment of Postage, and for the Purchase of Books, Stationery, Court Requisites, Expenses of Court House, and other Matters.

Allowance for Contingencies.

30 XI. Every Person who shall be appointed or shall act as Clerk of Petty Sessions under the Provisions of this Act shall, before entering on such his Office, give Security for the due Discharge of his Duties as such Clerk; and such Security shall be given by a Recognizance with Two Sureties, to be approved of by any Two of the Justices of his District or Districts, in double the Amount of the annual Salary of such Petty Sessions Clerk; and every such Recognizance may be in the Form (B.) in the Schedule to this Act, or to the like Effect, and 35 the same shall, when perfected, be deposited by the Justices with the Registrar at his Office in Dublin: Provided always, that notwithstanding anything herein-before contained it shall be lawful for the Lord Lieutenant to direct that the Security of any Guarantee Society established by Charter or Act of Parliament in Great Britain or 40 Ireland may be accepted in lieu of such Security by Recognizance as aforesaid; provided also, that it shall be lawful for the Lord Lieutenant, when and so often as, from the Death or Insolvency of

Petty Sessions Clerk shall give Security.

Sureties or other Circumstances, he shall think right so to do, to direct that new Security shall be given and entered into, by Recognizance or otherwise, as he shall direct, and the same shall be given and entered into accordingly.

Oath of Petty  
Sessions  
Clerk.

XII. No Petty Sessions Clerk shall proceed to execute the Duties 5 of his Office after the Thirty-first Day of December One thousand eight hundred and fifty-eight, until he shall have taken and subscribed the following Declaration before some Justice of the Peace; (that is to say,)

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully and 10  
‘ to the best of my Skill and Power execute the Office of Petty  
‘ Sessions Clerk of the District of *parish or town*, and that I will obey  
‘ all lawful Orders and Commands that may be given to me, and that  
‘ I will duly and faithfully account for all Moneys or other Property  
‘ that shall come into my Hands or Power and for which I shall 15  
‘ be liable to account, and that I will not disclose or communicate  
‘ any Matter or Thing which it shall be my Duty to conceal or  
‘ withhold.’

And the said Declaration when so subscribed shall be forthwith transmitted by Post by the Justice taking the same to the Registrar, 20 to be by him carefully preserved.

Gratuity or  
Provision  
may be given  
to retiring  
Clerks.

XIII. Whenever, under the Provisions of this Act, any Person shall cease to hold the Office of Clerk of Petty Sessions, by reason of Inability to perform its Duties, or by reason of the Consolidation of Petty Sessions Districts, or the Consolidation of the Office of Clerk, it 25 shall be lawful for the Lord Lieutenant, if he shall so think fit, upon the Recommendation of the Justices of the District of which such Person had been the Petty Sessions Clerk, and by an Order under the Hand of the Chief or Under Secretary, to direct that out of the Fines and Penalties Fund herein-after mentioned such Person shall be paid 30 such gross Sum by way of Gratuity, or such annual Sum by way of Pension, as to the Lord Lieutenant shall under all the Circumstances appear to be just, such Gratuity not in any Case to exceed the Amount of Three Years Fees, and such Pension not in any Case to exceed Two Thirds of the Salary which such Person had received as Clerk of 35 Petty Sessions previous to his vacating Office, and such Pension shall in every Case cease to be paid when such Person shall have been appointed to the Office of Petty Sessions Clerk of any District or Districts, or to any other Public Office or Situation which shall appear to the Lord Lieutenant to be of equal Value with the Office of Petty 40 Sessions Clerk which such Person shall have ceased to hold.

XIV. Every

XIV. Every Salary payable to any Clerk of Petty Sessions, and every annual Sum payable by way of Compensation or Superannuation Allowance, under the Provisions of this Act as aforesaid, shall be made payable by virtue of an Order of the Lord Lieutenant, under the Hand of the Chief or Under Secretary, and every such Order shall direct the Salary or Salaries, or other Sum or Sums mentioned therein to be paid to the Person or Persons mentioned therein, by Two half-yearly Payments in each Year; that is to say, on the First Day of January and the First Day of July.

All Salaries, &c. to be paid half-yearly.

XV. And whereas certain Fees and Emoluments have been heretofore received by Clerks of the Crown and Clerks of the Peace in Ireland in respect of Copies of Informations furnished by them to the Crown Solicitors, and the same may be prejudicially affected by this Act: Be it enacted, That in case any Clerk of the Crown or Clerk of the Peace in Ireland shall consider himself to be aggrieved by the Provisions of this Act, or any of them, it shall be lawful for him to memorialize the Lord Lieutenant of Ireland, setting forth the average Amount for the last Five Years before the passing of this Act of the annual Profits and Emoluments which he has been deprived of by this Act, and such Memorial shall be verified by the Oath of such Clerk of the Crown or Clerk of the Peace, to be taken before any Justice of the Peace; and on the Reception thereof, and on the Lord Lieutenant being satisfied of the Correctness of the Statements therein, and as to such other Matters as he shall think fit to inquire into, it shall be lawful for the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, by Warrant under his Hand, and out of the Fines and Penalties Fund, to award to such Clerk of the Crown or Clerk of the Peace such annual Sum payable half-yearly as he shall think reasonable and just, by way of Compensation for the Loss of such Profits and Emoluments as aforesaid.

Compensation to Clerks of the Crown, and Clerks of the Peace.

XVI. Every Document enumerated in the Schedule (C.) to this Act annexed shall after the First Day of January One thousand eight hundred and fifty-nine be printed or written upon Paper bearing a Stamp denoting the Amount or Value set opposite to such Document in that Schedule; and where any such Document shall consist of more than One Sheet, the First Sheet only shall be impressed with the Stamp; and no Fees or Stamp Duties other than those contained in Schedule (C.) shall be payable in respect of any of the Documents therein enumerated.

Stamps in lieu of Fees.

XVII. The Registrar shall, under the Direction and Supervision of the Chief or Under Secretary, cause a sufficient Supply of the said Forms in Schedule (C.) to be printed, and to be stamped according to

The Registrar to supply printed



Forms on  
stamped  
Paper.

*this Act, with proper Stamps denoting the Stamp Duty thereon, and shall cause the same, when so printed and stamped, to be from Time to Time furnished to the several Petty Sessions Clerks in Ireland, and also to such licensed Dealers in Stamps as may apply for and be willing to sell the same by retail at the Price or Sum impressed 5 thereon, and he shall also cause the printed and stamped Forms of Summonses, Informations, and Warrants to be furnished to the several Sub-Inspectors or other Officers of Constabulary for the Use of the Constabulary Force under their Control: Provided always, that the Registrar may, under such Directions as aforesaid, and for the 10 denoting of the Stamp Duties on any of the Documents, Matters, and Things in the said Schedule set forth, cause adhesive Stamps to be issued to the several Petty Sessions Clerks, to be by them used when and as Occasion shall require, and to be accounted for in manner herein-after mentioned.*

15

Power to  
Justices to  
enforce Pay-  
ment of  
Stamp Duties  
in certain  
Cases.

XVIII. In case the Person who shall be liable under the Provisions of this Act or any other Act or Acts to pay any of the Stamp Duties upon any of the Forms or Proceedings set forth in Schedule (C.) to this Act annexed, shall fail to make such Payment, it shall be lawful for the Justice or Justices at Petty Sessions to make a sum- 20 mary Order on the Complaint of the Clerk of such Petty Sessions to require the Payment of such Stamp Duties; and such Order shall be enforced in like Manner as any Order of a Justice or Justices may now be enforced under the Provisions of "The Petty Sessions Act, Ireland, 1851."

25

Accounts  
and Allow-  
ances.

XIX. Upon every such Supply being made to any Petty Sessions Clerk as aforesaid, his Receipt for the Amount so supplied to him shall be taken by the Registrar, and the stamped Forms so supplied shall be accounted for in manner herein-after mentioned, and the stamped Forms to be supplied to the Sub-Inspectors or other Officers 30 of Constabulary shall be sold and supplied upon Payment of the Amount impressed upon the Stamp; and upon the Sale and Supply of stamped Forms as aforesaid to licensed Dealers in Stamps an Allowance or Discount from the Amount of the impressed Duty shall be made at and after the Rate of One Shilling in the Pound.

35

The Provi-  
sions of the  
Stamp Acts,  
as far as  
applicable,  
to be ex-  
tended to  
this Act.

XX. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act) in all Cases not hereby provided for be in full Force and Effect with respect 40 to the stamped Forms and Documents to be provided under the Provisions of this Act, and shall be applied and put in execution for preventing,

preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto as fully and effectually, to all Intents and Purposes, as if such Provision had been adapted to and specially enacted by this Act in reference to the stamped Forms and Documents  
5 hereby provided.

XXI. It shall be lawful for the Justices at Petty Sessions in any Case where they shall be satisfied of the Inability of the Party liable thereto, to remit in whole or in part the Duties payable in respect of the stamped Forms to be used therein; and on the Occasion of every  
10 such Remission some one of the Justices shall, by Endorsement on the Forms or by a separate Certificate, notify such Remission accordingly, and the Cause thereof.

Justices may  
remit Duties.

XXII. The Lord Lieutenant may from Time to Time make Regulations for the Allowance of such of the stamped Forms issued  
15 under the Provisions of this Act as may have been remitted or spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed  
20 for, or by repaying the impressed Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage (if any) that may have been allowed for the Sale or Distribution of such Stamps.

Allowance  
for stamped  
Forms  
spoiled, as-  
sured, &c.

XXIII. When any of such Forms or Documents shall be issued by  
25 the Registrar to any Sub-Inspector or other Officer of Constabulary, he shall distribute the same as he shall think fit amongst the several Constabulary Stations or Sub-Stations within the Districts to which his Duties shall extend, to be used and employed only in the Cases of Prosecutions by the Constabulary.

Stamps is-  
sued to Con-  
stabulary,  
how to be  
disposed of.

XXIV. Every Petty Sessions Clerk shall, when required so to do,  
30 and as a Part of his Duty and without Charge, properly fill up all stamped Forms that may be purchased of him.

Petty Ses-  
sions Clerk  
shall fill up  
Forms when  
required.

XXV. Every Petty Sessions Clerk shall account with the Regis-  
trar twice in each Year for all Stamps issued to him since his  
35 Appointment, or since the Period to which his last previous Account may have been carried down; and such Account shall be made and passed in such Form, and at such Times and in such Manner as the Lord Lieutenant shall for that Purpose direct; and upon every such Account an Allowance of Ten per Cent. shall be made to every  
40 Petty Sessions Clerk upon the Amount of Stamps sold and disposed of by him since his last accounting; and when such Account

Petty Ses-  
sions Clerk  
to account  
with the  
Registrar  
half-yearly.

*shall be so taken the Amount of Salary of such Petty Sessions Clerk due up to and for the last previous Day of Payment, or the Balance that may be due thereof, after debiting him with the Amount due for Stamps so sold as aforesaid, and after all just Credits and Allowances shall be paid to such Petty Sessions Clerk by the Registrar, or in case a Balance shall, upon such accounting, be found to be due by such Petty Sessions Clerk, the same shall be forthwith paid by him to the said Registrar.*

Accounts to be verified. XXVI. Every such Account shall be verified by the Affidavit or Affirmation of the Petty Sessions Clerk, to be made before the Registrar or One of the Justices of the District or One of the Districts to which the said Clerk shall belong. 10

Allowances in case of Constabulary or other public Prosecution. XXVII. Whenever any Case at Petty Sessions shall be prosecuted by the Constabulary or any Public Officer on behalf of the Crown, some One of the Justices at Petty Sessions shall, when required so to do, indorse upon each of the *stamped* Forms used in and for the Purpose of such Prosecution the Words "Constabulary Prosecution," or "Public Prosecution," as the Case may be, and sign his Name thereto; and the Sub-Inspector or other Officer to whom the Forms so used and indorsed as aforesaid may have been supplied shall, upon Production thereof to the Registrar, and upon his making a solemn Declaration that no Part thereof has been recovered as Costs of Prosecution or is likely to be so recovered, be entitled to receive and shall receive other *stamped* Forms to the nominal Amount or Value of those so produced as aforesaid. 25

Salary to Registrar. XXVIII. It shall be lawful for the Lord Lieutenant, by any Writing under his Hand, to direct that the Registrar shall have and be allowed to retain such annual Sum as the Lord Lieutenant may think fit by way of Remuneration for his Trouble in performing the Duties imposed on him by this Act. 30

Accounts of Registrar. XXIX. The Registrar shall make out and prepare an annual Statement of his Accounts under this Act, at such Time and in such Form as the Lord Lieutenant shall direct, and the same shall be audited by the Chief or Under Secretary; and such Account, when so made out, prepared, and passed, shall be laid before Parliament within Twenty Days after the Commencement of the then next Session thereof. 35

The Fund from Fines, &c., to be at Lord Lieutenant's Disposal. XXX. *In addition to the Stamp Duties by this Act provided, the Fund arising from the Collection of Fines, Amerciaments, and forfeited Recognizances in Ireland, heretofore referred to as the Fines and Penalties Fund, and all Accumulations thereof now existing, or* 40  
so



so much thereof as may be necessary, shall be at the Disposal of the Lord Lieutenant for the several Purposes of this Act.

XXXI. It shall be lawful for the Lord Lieutenant to make such General Rules as shall seem to him expedient for the Purpose of  
5 carrying into effect the Provisions of this Act, and from Time to Time to amend and vary such Rules, as Occasion shall require.

XXXII. This Act shall extend to Ireland only, but nothing herein contained shall apply to the Borough of Dublin or to the Dublin Metropolitan Police District.

## SCHEDULES.

---

### SCHEDULE (A.)

---

*Scale of Salaries of Petty Sessions Clerks.*

|                   | £              |
|-------------------|----------------|
| Class 1, shall be | 300 per Annum. |
| " 2, "            | 250 "          |
| " 3, "            | 200 "          |
| " 4, "            | 100 "          |
| " 5, "            | 50 "           |
| " 6, "            | 35 "           |
| " 7, "            | 25 "           |

---

### SCHEDULE (B.)

---

*Form of Recognizances on Appointment of Petty Sessions Clerk.*

County of *W.* } Be it remembered, That on the                      Day of  
                   to wit. }                      185   , *A.B.*, of                     , &c.,  
*C.D.*, of                     , &c., and *E.F.*, of                     , &c., personally came  
 before me, and acknowledged themselves to owe to our Lady the  
 Queen the Sum of                      Pounds each, to be levied off their Goods  
 and Lands, to the Use of Her said Majesty, if the said *A.B.* shall fail  
 in the Conditions under written.

*G.H.*, One of the Justices of the Peace  
 for the County of                     .

Whereas the said *A.B.* hath been lately appointed to the Office of  
 Petty Sessions Clerk for the District [*or Districts*] of                     , &c.:  
 Now the Condition of the above-written Recognizance is such, that if  
 the said *A.B.* shall well and faithfully account for all Moneys which  
 shall come to his Hands or Power by virtue of such his Office, and  
 shall carefully preserve all Books and other Property that may be  
 entrusted to his Charge, and deliver up the same when he shall be  
 required so to do by the Lord Lieutenant, or the Justices of the  
 District to which such Books or other Property shall belong, and  
 shall well and faithfully perform all and singular the Duties by Law  
 imposed or to be imposed upon him as such Petty Sessions Clerk as  
 aforesaid; then the said Recognizance to be void, or else to remain in  
 full Force.

---

SCHE.

### SCHEDULE (C.)

---

#### *Stamp Duties on Forms.*

|                                                                                                                                                                                              | <i>s.</i> | <i>d.</i> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| On every Summons - - - - -                                                                                                                                                                   | 0         | 6         |
| On every Information or Deposition - - - - -                                                                                                                                                 | 1         | 0         |
| (The Recognizance to bind the Deponent to prosecute or give Evidence may be added at Foot, without any further Stamp Duty.)                                                                  |           |           |
| On every solemn Declaration (not being a Declaration as to Loss of Pawnbrokers Duplicates or as to the Admission of Paupers into Workhouses) - - - - -                                       | 1         | 0         |
| On every Copy of any written Information or Complaint in summary Proceedings - - - - -                                                                                                       | 0         | 6         |
| On every Warrant - - - - -                                                                                                                                                                   | 0         | 6         |
| On every Recognizance, when not at Foot of an Information or Deposition - - - - -                                                                                                            | 1         | 0         |
| On the Entry of each Order - - - - -                                                                                                                                                         | 0         | 6         |
| On every Certificate of Order - - - - -                                                                                                                                                      | 1         | 0         |
| On every Appeal, including the Recognizance to prosecute                                                                                                                                     | 2         | 0         |
| On every Notice of Appeal to be served on the Respondent -                                                                                                                                   | 1         | 0         |
| On every other Notice in Proceedings by or before Justices when such Notice is drawn by the Petty Sessions Clerk -                                                                           | 0         | 6         |
| On every adhesive Stamp which may be attached to any Form other than the aforesaid, upon which any Fee is now payable by Law to the Clerks of Petty Sessions any Sum not exceeding - - - - - | 2         | 6         |
| On every Certificate of Justices to obtain a Renewal of an an Excise Licence - - - - -                                                                                                       | 2         | 6         |



# Clerk of Petty Sessions (Ireland).

---

A

## B I L L

[AS AMENDED IN COMMITTEE]

To regulate the Office of Clerk of Petty  
Sessions in Ireland.

*(Prepared and brought in by  
Lord Naas and Mr. Attorney General for  
Ireland.)*

---

---

*Ordered, by The House of Commons, to be Printed,  
24 June 1858.*

---

---

[Bill 157.]

*Under 2 oz.*

20 July 1858. 21 & 22 VICT.



(Ireland.)

A

# B I L L

[AS AMENDED IN COMMITTEE AND ON  
RE-COMMITMENT]

TO

Regulate the Office of Clerk of Petty Sessions in  
Ireland.

**W**HEREAS it is expedient further to regulate the Office of Preamble.  
Clerk of Petty Sessions in Ireland: Be it therefore enacted  
by the Queen's most Excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and  
5 Commons, in this present Parliament assembled, and by the Authority  
of the same, as follows:

I. This Act may be cited for all Purposes as "The Petty Sessions Short Title.  
Clerk (Ireland) Act, 1858."

10 II. "The Petty Sessions (Ireland) Act, 1851," except so far as the Incorporation of Petty  
Sessions Act,  
1851.  
same is hereby repealed, shall be incorporated with this Act.

15 III. In the Interpretation of this Act, except when repugnant to Interpreta-  
tion Clause.  
the Context or Subject Matter, the several Words and Expressions  
herein-after mentioned shall have the several Meanings appropriated  
to them hereby; (that is to say,) the Term "Oath" or "Affidavit"  
shall include Affirmation or Declaration; the Word "District" shall  
mean Petty Sessions District; the Word "Clerk" shall mean Petty  
Sessions Clerk, and shall include the Clerk of the Justices of any  
Borough save Dublin; "Lord Lieutenant" shall include the Lords  
[Bill 226.] A Justices

Justices or other Chief Governor or Governors of Ireland ; “ Chief or Under Secretary ” shall mean the Chief or Under Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland ; “ Registrar ” shall mean the Clerk of Fines and Penalties in the Castle of Dublin, or such other Person as the Lord Lieutenant may appoint 5 to discharge the Duties prescribed by this Act for the Registrar to perform ; “ County in which the Petty Sessions District is situate,” and “ Division in which the Petty Sessions District is situate,” shall, in the Case of Districts locally situate in more Counties or more Divisions than One, respectively mean the County or Quarter Sessions 10 Division, as the Case may be, in which the District Petty Sessions are held ; “ Stamped Forms ” or “ Forms ” shall extend and apply to any Paper, Book, or Document, upon which an adhesive Stamp shall have been affixed under the Provisions of this Act.

Repeal of Acts.

IV. From and after the First Day of January One thousand eight 15 hundred and fifty-nine the Second, Third, and Fourth Sections of “ The Petty Sessions (Ireland) Act, 1851,” shall be and are hereby repealed, but such Repeal shall not prejudice or affect any Proceedings instituted before the Time of such Repeal, nor shall it be construed to lessen or affect any Right to which any Person may at the Time of 20 such Repeal be entitled under such repealed Enactments or any Liabilities then existing and incurred thereunder.

Persons in Office shall continue.

V. All Persons who on the passing of this Act shall hold the Office of Petty Sessions Clerk in Ireland shall continue to hold such Office, subject to the Provisions of this Act, until he shall die, resign, or be 25 removed.

One Clerk may be appointed to several Districts.

VI. It shall be lawful for the Lord Lieutenant at any Time hereafter to order and declare that from a certain Time therein to be named Two or more Districts shall be served by One and the same Person as Clerk, and such Order and Declaration shall be published in the Dublin 30 Gazette, and shall be notified by the Chief or Under Secretary to the Clerk of the Peace of the County in which the said Districts are situate ; and the Justices assembled at the then next Quarter Sessions for the Division of the County in which such Districts shall be situate, or if the said Districts shall be in more than One Division, then at the 35 Quarter Sessions for such Division as the Lord Lieutenant shall appoint, shall proceed to nominate and appoint some one of the Persons who have filled the Office of Petty Sessions Clerk in One of the said Districts immediately before the pronouncing of the said Order, or in case of the Unfitness of all such Persons, then some other 40 proper and fit Person to be the Clerk of such Districts, and such Appointment shall forthwith be notified by the Clerk of the Peace to the Registrar ; and it shall be lawful for such Justices to recom-  
mend



mend to the Lord Lieutenant the Amount of annual Salary which in their Opinion should be paid to the Clerk so appointed for such Districts, Regard being had to the Extent of the Duties he will be called upon to perform, and every such Recommendation shall be transmitted to the Lord Lieutenant by such Clerk of the Peace, and  
 5 the Lord Lieutenant, after due Consideration of any Recommendation which may be so transmitted to him, shall determine the Class in which such Clerk shall be included, and shall fix the Salary to be paid to such Clerk, not exceeding the Amount specified in respect of such Class in Schedule (A.) to this Act annexed.

- 10 VII. As often as any Vacancy shall arise in the Office of Petty Sessions Clerk serving One District only, the Justices of such Petty Sessions shall nominate and appoint some proper Person to fill the said Office, and in any Borough in which, within the Meaning of the Act of the Third and Fourth Years of Her Majesty, Chapter One  
 15 hundred and eight, a Commission of the Peace has been or shall be granted, and in and for which Borough Petty Sessions are and shall be holden, the Clerk shall, when and so often as a Vacancy shall arise, be nominated and appointed by the Justices of such Borough; and as often as a Vacancy shall arise in the Office of Petty Sessions  
 20 Clerk serving Two or more Districts, the Justices of such Districts shall appoint some proper Person to fill such Office: Provided always, that Notice shall be given by the Clerk of the Peace for the County or Division in which such Districts, or the greater Part thereof, are situate, of the Time and Place at which the Justices of such Districts  
 25 are to meet to consider such Matter, and such Notice shall be published in some Newspaper circulated in such County or Division, and shall be served upon each such Justice Seven Days at the least previous to such Meeting, either by delivering the same personally to such Justice, or by leaving the same at or transmitting it by Post to  
 30 his usual Place of Abode; and every such Appointment, when made, shall be forthwith notified by the Clerk to the Registrar.

Appoint-  
ment of  
Clerks.

- VIII. Every Petty Sessions Clerk in Ireland shall, on and after the First Day of January One thousand eight hundred and fifty-nine, hold his Office subject to the following Provisions :  
 35 1. He shall hold such Office during the Pleasure of the Justices of the District or Districts of which he shall be Clerk, and of the Lord Lieutenant :  
 2. He shall not practise as a Barrister, or Attorney or Solicitor in any Case, nor shall he act as the Clerk of an Attorney or  
 40 Solicitor, or as the Clerk of a Poor Law Union, or as a Collector of any Public Tax, or be concerned in the Keeping of any Hotel, Tavern, Eating House, or House licensed for the  
 [226.] A 2 Sale

Duties of  
Petty Ses-  
sions Clerk.

Sale of Liquor to be consumed on the Premises, nor shall he engage in any Business or Occupation which the Lord Lieutenant by any general or special Order shall have prohibited: But this Enactment shall not apply to Clerks who may be engaged in any Business, Profession, or Occupation, or who shall hold any Appointment other than that of Petty Sessions Clerk at the Time of the passing of this Act :

3. In addition to the Duties which he shall be bound to discharge under the Provisions of the Fifth Section of "The Petty Sessions (Ireland) Act, 1851," he shall perform the several Duties expressly or impliedly imposed on him by this Act with reference to the keeping of and accounting for all Sums of Money received by him in his official Capacity, and shall also observe and perform all the other Regulations of this Act in reference to his Office and the Duties thereof; and every Justice who shall take any Information out of Petty Sessions is hereby required forthwith to transmit the same to the Clerk of the District to which the same shall properly belong :
4. He shall perform the Duties of his Office in Person and not by Deputy, except in Cases of Sickness, unavoidable Absence, or other Emergency, when the Justices at Petty Sessions may appoint some other Person to act as Clerk at such Petty Sessions for the Time being; and such Substitute shall, if required by the Justices, enter into Security for the due Discharge of his Duties in such Manner as the Justices shall think fit :
5. In case no Justice shall be in attendance for One Hour after the Time appointed for the holding of any Petty Sessions, it shall be lawful for the Clerk to adjourn the holding of such Petty Sessions, and the hearing of all Proceedings thereat, to the next Petty Sessions Day; and upon such Adjournment being made he shall make an Entry thereof in the Minute Book, and post a Notice thereof on the Door of the Petty Sessions Court-house: All Persons summoned or under Recognizance to attend at such adjourned Sessions shall, without fresh Summons or Recognizance, be bound to attend on the Day to which such Adjournment shall have been made :
6. In every Case of an Appeal from a Summary Conviction for any Offence, and when the Appellant shall have entered into a Recognizance to prosecute such Appeal, the Clerk shall forthwith cause a Notice of such Appeal having been entered into to be duly served upon the Complainant, who shall be the Respondent in such Appeal, and the said Service shall be effected in like Manner as Summonses are now by Law required

required to be served; and by the said Notice the Respondent shall be required to attend with the necessary Witnesses on the Hearing of such Appeal: The Stamp Duty on such Notice and the Expenses of Service thereof shall be borne and paid by the Appellant as Part of the Costs of the Appeal: In case any Respondent shall upon being served with such Notice fail to comply with the Exigency thereof, he shall be liable to a Fine not exceeding Five Pounds, or such greater Sum as the Appellant may have been adjudged to pay upon such Conviction, to be recovered and levied upon a Prosecution by the Constabulary as in other Cases mentioned in the Petty Sessions (Ireland) Act, 1851: Provided always, that it shall be lawful for the Justices upon the hearing of such Matter to remit the whole or any Part of such Penalty if they shall be of opinion that the Respondent in such Appeal had any sufficient Excuse for such his Non-compliance.

IX. It shall be lawful for the Justices of every Petty Sessions to recommend to the Lord Lieutenant the Amount of annual Salary which, in their Opinion, should be paid to the Clerk of such Petty Sessions, Regard being had to the Extent of the Duties of his Office; and every such Recommendation shall be transmitted to the Lord Lieutenant by such Clerk, and the Lord Lieutenant, after due Consideration of any such Recommendation which may be so transmitted to him, shall determine the Class in which such Petty Sessions Clerk shall be included, and shall fix the Amount of Salary to be paid to such Clerk, not exceeding the Amount specified in respect of such Class in Schedule (A.) to this Act annexed; and the same when so fixed shall be paid half-yearly in the Manner herein-after set forth; and the better to enable the Lord Lieutenant to ascertain and fix, or, as Occasion may require, to alter such Salary, the Justices of each Petty Sessions District shall, when required so to do by the Chief or Under Secretary, cause due and faithful Returns to be made of the Amount of Business done, and of all Fees and Fines received in such Petty Sessions District, for the Period required, not exceeding Seven Years next previous to such Requisition; and the Amount of Salary when so fixed shall be duly notified by the Chief or Under Secretary to the Registrar, and also to the Justices of the Petty Sessions District, and such Salary shall be paid in the Manner herein-after mentioned.

Lord Lieutenant to fix Salary of Petty Sessions Clerk.

X. It shall be lawful for the Lord Lieutenant to direct that such annual or other Allowance as he shall think right shall be made to each Petty Sessions District for the Payment of Postage, and for the Purchase of Books, Stationery, Court Requisites, Expenses of Court House, and other Matters; it shall also be lawful for the Lord

Allowance for Contingencies.



Lieutenant, from Time to Time, to make such Allowance as he shall consider fit and reasonable to the Clerks of the Justices in the Borough of Cork and the Town of Belfast, to enable them to provide such competent Assistants as the Nature and Extent of their Duties or the Exigencies of the Case may require.

5

Petty Sessions Clerk shall give Security.

XI. Every Person who shall be appointed or shall act as Clerk of Petty Sessions under the Provisions of this Act shall, before entering on such his Office, give Security for the due Discharge of his Duties as such Clerk; and such Security shall be given by a Recognizance with Two Sureties, to be approved of by any Two of the Justices of his District or Districts, in double the Amount of the annual Salary of such Petty Sessions Clerk; and every such Recognizance may be in the Form (B.) in the Schedule to this Act, or to the like Effect, and the same shall, when perfected, be deposited by the Justices with the Registrar at his Office in Dublin: Provided always, that notwithstanding anything herein-before contained it shall be lawful for the Lord Lieutenant to direct that the Security of any Guarantee Society established by Charter or Act of Parliament in Great Britain or Ireland may be accepted in lieu of such Security by Recognizance as aforesaid; provided also, that it shall be lawful for the Lord Lieutenant, when and so often as, from the Death or Insolvency of Sureties or other Circumstances, he shall think right so to do, to direct that new Security shall be given and entered into, by Recognizance or otherwise, as he shall direct, and the same shall be given and entered into accordingly.

25

Gratuity or Provision may be given to retiring Clerks.

XII. Whenever, under the Provisions of this Act, any Person shall cease to hold the Office of Clerk of Petty Sessions, by reason of Inability to perform its Duties, or by reason of the Consolidation of Petty Sessions Districts, or the Consolidation of the Office of Clerk, it shall be lawful for the Lord Lieutenant, if he shall so think fit, upon the Recommendation of the Justices of the District of which such Person had been the Petty Sessions Clerk, and by an Order under the Hand of the Chief or Under Secretary, to direct that out of the Fund at his Disposal herein-after mentioned such Person shall be paid such gross Sum by way of Gratuity, or such annual Sum by way of Pension, as to the Lord Lieutenant shall under all the Circumstances appear to be just, such Gratuity not in any Case to exceed the Amount of Three Years Fees, and such Pension not in any Case to exceed Two Thirds of the Salary which such Person had received as Clerk of Petty Sessions previous to his vacating Office, and such Pension shall in every Case cease to be paid when such Person shall have been appointed to the Office of Petty Sessions Clerk of any District or Districts, or to any other Public Office or Situation which shall appear to

40

to the Lord Lieutenant to be of equal Value with the Office of Petty Sessions Clerk which such Person shall have ceased to hold.

XIII. Every Salary payable to any Clerk of Petty Sessions, and every annual Sum payable by way of Compensation or Superannuation Allowance, under the Provisions of this Act as aforesaid, shall be made payable by virtue of an Order of the Lord Lieutenant, under the Hand of the Chief or Under Secretary, and every such Order shall direct the Salary or Salaries, or other Sum or Sums mentioned therein to be paid to the Person or Persons mentioned therein, by Two half-yearly Payments in each Year; that is to say, on the First Day of January and the First Day of July.

All Salaries, &c. to be paid half-yearly.

XIV. Every Document enumerated in the Schedule (C.) to this Act annexed shall after the First Day of January One thousand eight hundred and fifty-nine be printed or written upon Paper bearing a Stamp denoting the Amount or Value set opposite to such Document in that Schedule; and where any such Document shall consist of more than One Sheet, the First Sheet only shall be impressed with the Stamp; and no Fees other than those contained in Schedule (C.), nor any Stamp Duties, shall be payable in respect of any of the Documents therein enumerated.

Stamps in lieu of Fees.

XV. The Commissioners of Inland Revenue shall provide all necessary Dies for denoting such Fees, either by impressed or adhesive Stamps, and the Registrar shall, under the Direction and Supervision of the Chief or Under Secretary, cause a sufficient Supply of the said Forms in Schedule (C.) to be printed; and the said Commissioners shall cause any of such Forms to be stamped according to this Act with proper Stamps denoting the Fees thereon; and the Registrar shall cause the same, when so stamped, and also any adhesive Stamps that may be necessary, to be from Time to Time furnished to the several Petty Sessions Clerks in Ireland, and also to such of the Distributors and Sub-Distributors of Stamps in Ireland, as may apply for and be willing to sell the same by Retail at the Price or Sum impressed or denoted thereon, and he shall also cause any stamped Forms of Summonses, Informations, and Warrants, and also any adhesive Stamps that may be necessary, to be furnished to the several Sub-Inspectors or other Officers of Constabulary for the Use of the Constabulary Force under their Control; and for the Purposes aforesaid the said Commissioners shall supply the Registrar with such stamped Forms and adhesive Stamps for denoting any of such Fees under such Rules and Regulations as the Chief or Under Secretary shall from Time to Time make or direct; and all the Costs and Expenses incurred by the Commissioners under this Act shall be paid

Commissioners of Inland Revenue to provide Dies for denoting Fees.

by the Registrar out of the Monies which shall come to his Hands in respect of such Fees.

Power to  
Justices to  
enforce Pay-  
ment of Fees  
in certain  
Cases.

XVI. In case the Person who shall be liable under the Provisions of this Act or any other Act or Acts to pay any of the Fees denoted by Stamps upon any of the Forms or Proceedings set forth in Schedule (C.) to this Act annexed, shall fail to make such Payment, it shall be lawful for the Justice or Justices at Petty Sessions to make a summary Order on the Complaint of the Clerk of such Petty Sessions to require the Payment of such Fees; and such Order shall be enforced in like Manner as any Order of a Justice or Justices may now be enforced under the Provisions of "The Petty Sessions (Ireland) Act, 1851."

Accounts  
and Allow-  
ances.

XVII. Upon every such Supply being made to any Petty Sessions Clerk as aforesaid, his Receipt for the Amount so supplied to him shall be taken by the Registrar, and the stamped Forms and adhesive Stamps so supplied shall be accounted for in manner herein-after mentioned, and the stamped Forms and adhesive Stamps to be supplied to the Sub-Inspectors or other Officers of Constabulary shall be sold and supplied upon Payment of the Amount impressed upon or denoted by the Stamp; and upon the Sale and Supply of Stamps as aforesaid to Distributors and Sub-Distributors of Stamps an Allowance or Discount from the Amount of the Stamps shall be made at and after the Rate of One Shilling in the Pound.

The Provi-  
sions of the  
Stamp Acts,  
as far as  
applicable,  
to be ex-  
tended to  
this Act.

XVIII. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act) in all Cases not hereby provided for be in full Force and Effect with respect to the Stamps to be provided under the Provisions of this Act, and shall be applied and put in execution for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto as fully and effectually, to all Intents and Purposes, as if such Provision had been adapted to and specially enacted by this Act in reference to the Stamps hereby provided.

Justices may  
remit Fees.

XIX. It shall be lawful for the Justices at Petty Sessions, in any Case where they shall be satisfied of the Inability of the Party liable thereto to pay such Fees, to remit, in whole or in part, the Fees payable in respect of the stamped Forms to be used therein; and on the Occasion of every such Remission some One of the Justices shall, by Endorsement on the Forms or by a separate Certificate, notify such Remission accordingly, and the Cause thereof.

XX. The



XX. The Lord Lieutenant may from Time to Time make Regulations for the Allowance of such of the Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have  
5 no Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used, or where the Fee has been remitted; and Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed for, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage  
10 (if any) that may have been allowed for the Sale or Distribution of such Stamps.

Allowance for Stamps spoiled, &c.

XXI. When any of such Forms or Stamps shall be issued by the Registrar to any Sub-Inspector or other Officer of Constabulary, he shall distribute the same as he shall think fit amongst the several  
15 Constabulary Stations or Sub-Stations within the Districts to which his Duties shall extend, to be used and employed only in the Cases of Prosecutions by the Constabulary.

Stamps issued to Constabulary, how to be disposed of.

XXII. Every Petty Sessions Clerk shall, when required so to do, and as a Part of his Duty and without Charge, properly fill up all  
20 stamped Forms that may be purchased of him, or brought to him for that Purpose.

Petty Sessions Clerk shall fill up Forms when required.

XXIII. Every Petty Sessions Clerk shall account with the Registrar twice in each Year for all Stamps issued to him since his Appointment, or since the Period to which his last previous Account  
25 may have been carried down; and such Account shall be made and passed in such Form, and at such Times, and in such Manner as the Lord Lieutenant shall for that Purpose direct; and when such Account shall be so taken the Amount of Salary of such Petty Sessions Clerk due up to and for the last previous Day of Payment,  
30 or the Balance that may be due thereof, after debiting him with the Amount due for Stamps so sold as aforesaid, and after all just Credits and Allowances shall be paid to such Petty Sessions Clerk by the Registrar, or in case a Balance shall, upon such accounting, be found to be due by such Petty Sessions Clerk, the same shall be forthwith  
35 paid by him to the said Registrar.

Petty Sessions Clerk to account with the Registrar half-yearly.

XXIV. Every such Account shall be verified by the Affidavit or Affirmation of the Petty Sessions Clerk, to be made before the Registrar or One of the Justices of the District or One of the Districts to which the said Clerk shall belong.

Accounts to be verified.

Allowances  
in case of  
Constabulary or other  
public Prosecution.

XXV. Whenever any Case at Petty Sessions shall be prosecuted by the Constabulary or any Public Officer on behalf of the Crown, some One of the Justices at Petty Sessions shall, when required so to do, indorse upon each of the stamped Forms used in and for the Purpose of such Prosecution the Words "Constabulary Prosecution," or "Public Prosecution," as the Case may be, and sign his Name thereto; and the Sub-Inspector or other Officer to whom the Forms so used and indorsed as aforesaid may have been supplied shall, upon Production thereof to the Registrar, and upon his making a solemn Declaration that no Part thereof has been recovered as Costs of Prosecution or is likely to be so recovered, be entitled to receive and shall receive other stamped Forms to the nominal Amount or Value of those so produced as aforesaid.

Salary to  
Registrar.

XXVI. It shall be lawful for the Lord Lieutenant, by any Writing under his Hand, to direct that the Registrar shall have and be allowed to retain such annual Sum as the Lord Lieutenant may think fit by way of Remuneration for his Trouble in performing the Duties imposed on him by this Act.

Accounts of  
Registrar.

XXVII. The Registrar shall make out and prepare an annual Statement of his Accounts under this Act, at such Time and in such Form as the Lord Lieutenant shall direct, and the same shall be audited by the Chief or Under Secretary; and such Account, when so made out, prepared, and passed, shall be laid before Parliament within Twenty Days after the Commencement of the then next Session thereof.

The Fund  
from Fines,  
&c., to be at  
Lord Lieutenant's Disposal.

XXVIII. In addition to the Fees by this Act provided, the Fund arising from the Collection of Fines, Amerciaments, and forfeited Recognizances imposed or levied at Petty Sessions in Ireland shall be at the Disposal of the Lord Lieutenant for the several Purposes of this Act, except as regards all Fines, Penalties, and Forfeitures under the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Ninety-two, entitled "An Act for the Protection and Improvement of the Salmon, Trout, and other Inland Fisheries of Ireland," which shall be recovered and applied as is in the said Act provided, anything to the contrary in any Act of Parliament contained notwithstanding: Provided always, that it shall not be lawful to award to the Informer more than One Third of any such Fine or Penalty.

Lord Lieutenant to  
make General Rules.

XXIX. It shall be lawful for the Lord Lieutenant to make such General Rules as shall seem to him expedient for the Purpose of carrying into effect the Provisions of this Act, and from Time to Time to amend and vary such Rules, as Occasion shall require.

XXX. This

XXX. This Act shall extend to Ireland only, but nothing herein <sup>Limits of</sup> contained shall apply to the Borough of Dublin or to the Dublin <sup>Act.</sup> Metropolitan Police District.



SCHEDULES.

SCHEDULE (A.)

Scale of Salaries of Petty Sessions Clerks.

|          |          |   |   | £ |                |
|----------|----------|---|---|---|----------------|
| Class 1, | shall be | - | - | - | 300 per Annum. |
| „ 2,     | „        | - | - | - | 250 „          |
| „ 3,     | „        | - | - | - | 200 „          |
| „ 4,     | „        | - | - | - | 100 „          |
| „ 5,     | „        | - | - | - | 50 „           |
| „ 6,     | „        | - | - | - | 35 „           |
| „ 7,     | „        | - | - | - | 25 „           |

SCHEDULE (B.)

Form of Recognizances on Appointment of Petty Sessions Clerk.

County of *W.* } BE it remembered, That on the Day of  
to wit. } 185 , *A.B.*, of , &c.,  
*C.D.*, of , &c., and *E.F.*, of , &c., personally came  
before me, and acknowledged themselves to owe to our Lady the  
Queen the Sum of Pounds each, to be levied off their Goods  
and Lands, to the Use of Her said Majesty, if the said *A.B.* shall fail  
in the Conditions under written.

*G.H.*, One of the Justices of the Peace  
for the County of .

Whereas the said *A.B.* hath been lately appointed to the Office of  
Petty Sessions Clerk for the District [*or* Districts] of , &c.:  
Now the Condition of the above-written Recognizance is such, that if  
the said *A.B.* shall well and faithfully account for all Moneys which  
shall come to his Hands or Power by virtue of such his Office, and  
shall carefully preserve all Books and other Property that may be  
entrusted to his Charge, and deliver up the same when he shall be  
required so to do by the Lord Lieutenant, or the Justices of the  
District to which such Books or other Property shall belong, and  
shall well and faithfully perform all and singular the Duties by Law  
imposed or to be imposed upon him as such Petty Sessions Clerk as  
aforesaid; then the said Recognizance to be void, or else to remain in  
full Force.

### SCHEDULE (C.)

---

#### *Forms.*

|                                                                                                                                                            | <i>s.</i> | <i>d.</i> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
| On every Summons and Copy - - - -                                                                                                                          | 0         | 6         |
| On every Information or Deposition - - -                                                                                                                   | 1         | 0         |
| (The Recognizance to bind the Deponent to prosecute<br>or give Evidence may be added at Foot, without any<br>further Stamp Duty.)                          |           |           |
| On every solemn Declaration (not being a Declaration as to<br>Loss of Pawnbrokers Duplicates or as to the Admission<br>of Paupers into Workhouses) - - - - | 1         | 0         |
| On every Copy of any written Information or Complaint<br>in summary Proceedings - - - -                                                                    | 0         | 6         |
| On every Warrant - - - -                                                                                                                                   | 0         | 6         |
| On every Recognizance, when not at Foot of an Informa-<br>tion or Deposition - - - -                                                                       | 1         | 0         |
| On the Entry of each Order - - - -                                                                                                                         | 0         | 6         |
| On every Certificate of Order - - - -                                                                                                                      | 1         | 0         |
| On every Appeal, including the Recognizance to prosecute                                                                                                   | 2         | 0         |
| On every Notice of Appeal to be served on the Respondent -                                                                                                 | 1         | 0         |
| On every other Notice in Proceedings by or before Justices<br>when such Notice is drawn by the Petty Sessions Clerk -                                      | 0         | 6         |
| On every Form other than the aforesaid, upon which any Fee<br>is now payable by Law to the Clerks of Petty Sessions<br>any Sum not exceeding - - - -       | 2         | 6         |

Clerk of Petty Sessions  
(Ireland).

---

A

BILL

[AS AMENDED IN COMMITTEE AND ON  
RE COMMITMENT]

To regulate the Office of Clerk of Petty  
Sessions in Ireland.

(Prepared and brought in by  
Lord Nass and Mr. Attorney General for  
Ireland.)

---

*Ordered, by The House of Commons, to be Printed,*  
*20 July 1858.*

---

[Bill 226.]

*Under 2 oz.*



10 June 1858. 21 VICT.



A

# B I L L

FOR

Releasing the Lands of the Commissioners for the  
Exhibition of 1851, upon the Repayment of  
Monies granted in aid of their Funds.

**W**HEREAS the Commissioners for the Exhibition of 1851 Preamble.  
have purchased Lands at Kensington Gore with a view to  
secure adequate Space in the Metropolis for Institutions  
connected with Science and Art: And whereas in aid of the Funds  
5 of the said Commissioners, arising from the said Exhibition, which  
were applied to such Purchases, Two several Sums of One hun-  
dred and fifty thousand Pounds and Twenty-seven thousand five  
hundred Pounds were granted by Parliament in the Sessions holden  
in the Sixteenth and Seventeenth and in the Seventeenth and  
10 Eighteenth Years of Her Majesty, and it was agreed, on the Issue  
of such Sums, that the Lands purchased as aforesaid should be  
held subject to such Directions of Appropriation as should from  
Time to Time be issued by the Treasury in respect to such Part,  
not exceeding One Moiety, as should by Agreement between the  
15 Lords of the Treasury and the said Commissioners for the Exhi-  
bition be set apart for such Institutions connected with Science and  
Art as were more immediately dependent upon and supported by  
[Bill 118.] the

the Government from Funds voted by Parliament, and subject also, with respect to the other Part thereof, to such general Superintendence by the Lords of the Treasury as might be necessary to secure that the Appropriation proposed to be made, and all the Arrangements in relation thereto, as regards Buildings to be erected thereon, should 5 be in conformity with some general Plan, which should be adopted as applicable to all Parts of the Property, whether such Buildings should be erected from Public Monies or by private Subscription: And whereas the said Commissioners have proposed to repay the Sums granted by Parliament as aforesaid, together with a Moiety of 10 the net Rents received by the said Commissioners up to the Thirty-first Day of March last, amounting to Three thousand eight hundred and seventy-nine Pounds Four Shillings and Twopence (making, together with the Sums granted as aforesaid, the Sum of One hundred and eighty-one thousand three hundred and seventy-nine Pounds 15 Four Shillings and Twopence), upon having the said Lands released from the Trusts or Obligations created in respect of the Sums granted as aforesaid: And whereas it is expedient that the said Proposal should be accepted, subject to such Provision as is herein-after contained with reference to a Part of the said Lands 20 of which the Possession may be retained for the Purposes of the Department of Science and Art: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as 25 follows:

Lands purchased by Commissioners for the Exhibition of 1851 to be released on Repayment of Parliamentary Grants and Moiety of Rents.

I. Upon Payment by the Commissioners for the Exhibition of 1851 of a Sum or Sums amounting together to the said Sum of *One hundred and eighty-one thousand three hundred and seventy-nine Pounds Four Shillings and Twopence* into the Receipt of the 30 Exchequer in such Manner as the Commissioners of Her Majesty's Treasury may direct, the Commissioners for the said Exhibition, and all the Lands purchased or to be purchased by or in the Name of such Commissioners, shall be absolutely released and discharged from the Agreement herein-before recited, and from all Trust, Obligation, 35 Control, Claim, and Demand to which such Lands may be subject in respect of the Sums granted by Parliament as aforesaid.

Land occupied by the Department of Science and Art may be retained for such Department.

II. Provided always, That it shall be lawful for the Commissioners of Her Majesty's Treasury to require that Part of the said Lands now in the Occupation of the Department of Science and Art, that 40 is to say, the Piece of Land containing Twelve Acres or thereabouts, bounded on the West by Exhibition Road and on the South by Cromwell Road, with the Museum, Gallery, and other Buildings thereon,

thereon, shall be retained in the Occupation and for the Use of the said Department so long as the said Commissioners of the Treasury think fit, with Liberty to erect, add to, or alter any Buildings on the said Piece of Land for the Use of the said Department, and, if  
5 such Commissioners of the Treasury think fit, to cause to be taken down, removed, and disposed of all or any of the Buildings which have been already erected thereon for the Use of the said Department, or which may hereafter be erected thereon for that Purpose; and it shall be lawful for the Commissioners of the Treasury to direct that  
10 the Payment of such Portion of the said Sum of *One hundred and eighty-one thousand three hundred and seventy-nine Pounds Four Shillings and Twopence* as they may think fit, not exceeding what may appear to them to be the Value of the said Piece of Land, may be postponed so long as such Piece of Land is so retained as  
15 aforesaid; and upon Payment in manner herein-before mentioned of the Residue of the said Sum of *One hundred and eighty-one thousand three hundred and seventy-nine Pounds Four Shillings and Twopence*, after Deduction of the Amount of which the Payment may be so postponed, the said Commissioners of the Treasury shall, by War-  
20 rant under the Hands of Two of such Commissioners, declare that the Residue of the said Lands shall be absolutely released and discharged from the said Agreement, and all such Trust, Obligation, Control, Claim, and Demand as aforesaid, and the same shall be released and discharged accordingly.

25 III. All Monies paid into the Receipt of the Exchequer under this Act shall be carried to and form Part of the Consolidated Fund of the United Kingdom.

Monies paid to be carried to the Consolidated Fund.



# Commissioners for Exhibition, 1851.

---

A

## BILL

For releasing the Lands of the Commissioners for the Exhibition of 1851 upon the Repayment of Monies granted in aid of their Funds.

*(Prepared and brought in by  
Mr. Chancellor of the Exchequer and Mr. Spooner.)*

---

*Ordered, by The House of Commons, to be Printed,  
10 June 1858.*

---

[Bill 118.]

*Under 1 oz.*

13 May 1858. 21 VICT.



A

B I L L

TO

Amend the Common Law Procedure Act, 1854,  
with reference to the Exercise of Equitable  
Jurisdiction.

**W**HEREAS Doubts have arisen as to the Extent of the Power of Equitable Interference of the Superior Courts of Common Law at Westminster under the Provisions of the Common Law Procedure Act, 1854, and it is expedient to remove such Doubts, and still further to assimilate the Jurisdiction and Practice of such Courts to the Jurisdiction and Practice of Courts of Equity: Be it therefore enacted by the Queens's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preamble.  
17 & 18 Vict.  
c. 125.

I. In all Cases in which the Court of Chancery has Jurisdiction to entertain an Application for the specific Performance of any Covenant, Contract, or Agreement, it shall be lawful for any of Her Majesty's Superior Courts of Common Law at Westminster to entertain and adjudicate upon such Application, and to exercise the same Jurisdiction which the Court of Chancery now exercises in such Cases; and such Application may be made and enforced by Action of Mandamus in the Manner provided for by the Common Law Procedure Act, 1854.

Same Power  
at Law as in  
Equity of  
directing  
specific Per-  
formance.

[Bill 85.]

A

II. In

Same Power  
at Law as in  
Equity of  
Injunction  
against  
Breach of  
Contract and  
wrongful  
Act.

II. In all cases in which the Court of Chancery has Jurisdiction to entertain an Application for an Injunction against a Breach or threatened Breach of any Covenant, Contract, or Agreement, or against the Commission or Continuance of any wrongful Act, it shall be lawful for any of Her Majesty's Superior Courts of Common Law at Westminster, or for any Judge thereof, to entertain and adjudicate on any such Application or Claim for an Injunction, and to exercise the same Jurisdiction that the said Court of Chancery now exercises in such Cases; and such Application or Claim for an Injunction may be made and enforced in the Manner provided for claiming and enforcing Writs of Injunction by the Common Law Procedure Act, 1854. 10

Same Powers  
at Law as in  
Equity of  
Relief in  
Actions, &c.

III. The said Courts of Common Law at Westminster shall, by way of Plea, Replication, or in any other Manner to be provided for by the Rules of the said Courts, give the same Relief, absolute, conditional, or other, in Actions of Ejectment and all other Actions and Proceedings in any of the said Courts, as the Court of Chancery is now or shall hereafter be empowered to give in like Cases; and the said Courts of Common Law may provide and direct such Relief by Decree, Judgment, Order, or otherwise, and make and enforce the same, in like Manner as the Court of Chancery is now or shall hereafter be empowered to direct, make, and enforce the like Decrees, Judgments, Orders, or other Proceedings, and for that Purpose exercise the same Jurisdiction and have the same Powers which the Court of Chancery now exercises and has, or may hereafter be empowered to exercise and have in such Cases. 15 20 25

Courts of  
Law may  
direct Trial  
of real Title  
in Eject-  
ment.

IV. It shall and may be lawful for any of the Superior Courts of Common Law at Westminster, or any Judge thereof, in any Action of Ejectment already commenced or to be commenced after the passing of this Act, and at any Stage of such Action, to make an Order restraining the setting up of the legal Title, and directing the real Title to be tried in such Ejectment, in any Case in which it shall be made appear to the Satisfaction of such Court or Judge that a Decree or Order to the same Effect would be pronounced by the Court of Chancery upon Application made for the Purpose of having a Party restrained from setting up the legal Title, but upon such Terms or Conditions as to the said Court or Judge shall seem just. 30 35

Power of  
Courts of  
Law to refer  
to Masters,  
and also to  
Chief Clerks

V. For the Purpose of carrying this Act into effect, it shall be lawful for the said Courts of Common Law at Westminster, or any Judge thereof, to refer to any One of the Masters or Officers of the said Courts any Matters to be inquired into or reported upon, or otherwise 40



otherwise dealt with, which the Court of Chancery or any Judge thereof may refer to the Chief Clerks or any of its Officers; and such Masters and Officers of the said Courts of Common Law shall have the same Powers and Jurisdiction in such Matters as the Chief  
5 Clerks or other Officers of the Court of Chancery now have and exercise or may hereafter have or exercise in like Matters; and Parties and Witnesses shall and may be summoned to attend and give Evidence before such Masters and Officers in the Manner to be provided by the Rules to be made as herein-after mentioned,  
10 and they shall be bound to attend and give Evidence accordingly, upon pain in case of Disobedience of the like Punishment as for Disobedience of a Writ of Subpœna ad testificandum issued out of any of the said Courts of Common Law; and the said Masters and Officers are hereby empowered to administer an Oath  
15 and receive Affirmations to and from all Persons so attending before them; and all Persons swearing or affirming falsely before such Masters or Officers shall be and are hereby declared to be guilty of the Crime of Perjury, and shall and may be punished accordingly; and further, it shall be lawful for any of the said Courts of Common Law, or any  
20 Judge thereof, if the said Court or Judge shall think fit so to do, to refer any of the Matters over which Jurisdiction is conferred upon the said Courts or Judge by this Act or the Common Law Procedure Act, 1854, and which before the passing of these Acts were cognizable before the Court of Chancery, to any of the Chief  
25 Clerks or Officers of the Court of Chancery, and in any such Matters to take, receive, and act upon the Opinion of any of the conveyancing Counsel nominated by the Lord Chancellor, and to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons; and to act on the Certificate of such Persons, in the  
30 same Manner and on the like Terms and Conditions, mutatis mutandis, as the Court of Chancery or any Judge thereof now does in like Matters: Provided always, that the said Masters and Officers of the said Courts of Common Law, to whom any such Matters shall be referred to be inquired into, reported upon, or otherwise dealt with,  
35 shall, unless the Court or Judge by whom such Matters shall be so referred otherwise order or the Parties consent, and then so far only as such Order or Consent may extend, inquire into such Matters by the oral Examination of Witnesses and Parties, and not on Affidavits, Depositions, or other written Proofs, or on written Interrogatories.

40 VI. This Act and the Common Law Procedure Act, 1854, shall be read and construed as One Act, and on all Judgments, Orders, and Decrees, and the like Proceedings given or made by any one of the said Courts of Common Law at Westminster in the Matters over which Jurisdiction is given to them by this Act or the Common  
[85.] A 2 Law

and Convey-  
ancing Coun-  
sel, Accoun-  
tants, &c.

Common  
Law Proce-  
dure Act,  
1854, and this  
Act to be  
read as one;  
and proceed-

ings in Error  
to be as on  
Special Case. Law Procedure Act, 1854, Error may be brought in the same  
Manner as on a Special Case by virtue of the said Common Law  
Procedure Act, 1854.

Judges of  
Courts of  
Law to make  
Rules, &c. VII. The Judges of the Superior Courts of Common Law at  
Westminster, or any *Eight* or more of them, may and they are hereby 5  
required from Time to Time to make General Rules for carrying the  
Purposes of this Act into effect, and for regulating the Times and  
Form and Mode of Procedure, and generally the Practice of the said  
Courts in respect to the Matters to which this Act relates, and for  
regulating the Fees and Allowances to all Officers of the said Courts, 10  
or of the said Court of Chancery in all Matters referred to them by  
the said Courts of Common Law or any Judge thereof as aforesaid,  
and the Attorneys of the said Courts in respect to such Matters, and  
so far as may be found expedient for altering the Course of Pro-  
ceeding herein-before provided in respect to the Matters to which this 15  
Act relates, or any of them; and such Rules may from Time to Time  
be rescinded or altered by the like Authority; and all such Rules shall  
take effect as General Rules of the said Courts.

Rules and  
Orders to be  
laid before  
Parliament. VIII. All General Rules and Orders so to be made shall im-  
mediately after the making and issuing thereof be laid before both 20  
Houses of Parliament, if Parliament be then sitting, or if Parliament  
be not then sitting within *Five Days* after the next Meeting thereof:  
Provided always, that if either of the Houses of Parliament shall, by  
any Resolution passed within *Thirty-six Days* after such Rules or  
Orders have been laid before such Houses of Parliament, resolve 25  
that the whole or any Part of such Rules or Orders ought not to con-  
tinue in force, in such Case the whole or such Part thereof as shall be  
so included in such Resolution shall from and after such Resolution  
cease to be binding.

Equity  
Judge may  
sit on Re-  
quest of Lord  
Chief Justice  
or Lord  
Chief Baron. IX. It shall be lawful for any of Her Majesty's Superior Courts of 30  
Common Law at Westminster, or any Judge thereof, to sit, with the  
Assistance of any Judge of the Court of Chancery, upon the Request  
of the Lord Chief Justice or Lord Chief Baron, as the Case may be,  
if any such Judge of the Court of Chancery shall find it convenient to  
attend upon such Request. 35

Commence-  
ment of Act. X. The Provisions of this Act shall come into operation on the  
*First Day of October, in the Year of our Lord One thousand eight  
hundred and fifty-eight.*





Common Law Procedure  
Act Amendment.

---

A

B I L L

To amend the Common Law Procedure Act,  
1854, with reference to the Exercise of  
Equitable Jurisdiction.

(Prepared and brought in by Mr. Atterton and  
Mr. Collier.)

---

*Ordered, by The House of Commons, to be Printed*  
*13 May 1858.*

---

[Bill 85.]  
*Under 1 oz.*

16 June 1858. 21 VICT.



A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Common Law Procedure Act, 1854,  
with reference to the Exercise of Equitable  
Jurisdiction.

---

[Note.—*The Clauses marked A. to F. were added in Committee.*]

---

**W**HEREAS Doubts have arisen as to the Extent of the Preamble.  
Power of Equitable Interference of the Superior Courts of  
Common Law under the Provisions of the Common Law  
Procedure Act, 1854, and it is expedient to remove such Doubts, and  
5 still further to assimilate the Jurisdiction and Practice of such Courts 17 & 18 Vict.  
to the Jurisdiction and Practice of Courts of Equity: Be it therefore c. 125.  
enacted by the Queen's most Excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and Com-  
mons, in this present Parliament assembled, and by the Authority  
10 of the same, as follows :

I. In all Cases in which the Court of Chancery has Jurisdiction to Same Power  
entertain an Application for the specific Performance of any Covenant, at Law as in  
Contract, or Agreement, it shall be lawful for any of Her Majesty's Equity of  
Superior Courts of Common Law at Westminster in which any directing  
15 Action for Breach of such Covenant, Contract, or Agreement shall be specific Per-  
brought, to exercise the like Jurisdiction as the Court of Chancery formance.  
exercises in the like Cases ; and such Jurisdiction shall be exercised  
[Bill 133.] A by

by Writ of Mandamus in the Manner provided for by the Common Law Procedure Act, 1854.

Same Power  
at Law as in  
Equity of  
Injunction  
against  
Breach of  
Contract and  
wrongful  
Act.

II. In all Cases in which the Court of Chancery has Jurisdiction to entertain an Application for an Injunction against a Breach or threatened Breach of any Covenant, Contract, or Agreement, or against the Commission or threatened Commission or Continuance of any wrongful Act, it shall be lawful for any of Her Majesty's Superior Courts of Common Law at Westminster in which an Action for Breach or Commission has been brought, or (in the Case of threatened Breach or Commission) would lie and might be brought, or for any Judge thereof, to exercise the like Jurisdiction as the Court of Chancery exercises in the like Cases; and such Jurisdiction shall be exercised by Writ of Injunction in the Manner provided for by the Common Law Procedure Act, 1854.

Same Powers  
at Law as in  
Equity of  
Relief in  
Actions, &c.

III. The said Courts of Common Law at Westminster shall, on Plea, Replication, or in any other Manner to be provided for by the Rules of the said Courts, give the like Relief, absolute, conditional, or other, in Actions of Ejectment and all other Actions and Proceedings in any of the said Courts, as the Court of Chancery is empowered to give in like Cases; and the said Courts of Common Law may provide and direct such Relief by Decree, Judgment, Order, or otherwise, and make and enforce the same, in like Manner as the Court of Chancery is empowered to direct, make, and enforce the like Decrees, Judgments, Orders, or other Proceedings, and for that Purpose exercise the like Jurisdiction and have the like Powers as the Court of Chancery exercises and has in the like Cases.

CLAUSE A.  
Power for  
Plaintiffs to  
join Parties  
in the Writ,  
and who  
would be  
necessary  
Parties in  
Equity.

IV. Whenever, for the Purpose of exercising the Jurisdiction conferred on the said Courts of Common Law, or any Judge thereof, by this Act or the Common Law Procedure Act, 1854, it shall be required to make Parties to any Action or Proceeding and bring before the Court Persons other than those who would be necessarily Parties to an Action at Common Law, it shall be lawful for the Plaintiff to join such Persons in the Writ, either as Plaintiffs or Defendants, according to the Practice of the Court of Chancery; and it shall be lawful for the said Courts of Common Law or any Judge thereof to give such Relief against or in favour of such Persons or any of them as the Court of Chancery is empowered to give in like Cases; and it shall further be lawful for the said Courts of Common Law or any Judge thereof to amend the Writ, Copy Writ, and other Proceedings, by joining or striking out the Names of such Persons or any of them who have not been joined or have been improperly joined in such Action or Proceedings, on such Terms as the said Court or Judge shall think just.

V. Whenever,



V. Whenever, for the Purposes of giving Relief in any Action or other Proceeding at Law, as provided for by Section Three of this Act, it shall be necessary to bring before the Court any Persons, other than those who are Plaintiffs, Claimants, or Applicants in such  
 5 Action or Proceedings, it shall be lawful for the Party claiming such Relief to bring such Persons before the Court by issuing another Writ for the Purpose against all the necessary Parties, or by such other Proceeding or in such other Manner as the Rules to be made under this Act shall direct, and to declare against such Parties, and  
 10 claim such Relief, or to apply for an Injunction to restrain the First Action or Proceeding; and it shall then be lawful for the said Court of Common Law or any Judge thereof to order such Actions or Proceedings to be brought on together for Hearing, and to deal with such Actions or Proceedings in the same Manner and to give the  
 15 same Relief as the Court of Chancery might in a Suit instituted to restrain Proceedings at Law in like Cases.

CLAUSE B.  
 Power for Defendants and others seeking Relief to bring before the Court Persons who would be necessary Parties in Equity.

VI. It shall and may be lawful for any of the Superior Courts of Common Law at Westminster, or any Judge thereof, in any Action of Ejectment already commenced, or to be commenced after the  
 20 passing of this Act, and at any Stage of such Action, to make an Order restraining the setting up of the legal Title, and directing the real Title to be tried in such Ejectment, in any Case in which it shall be made to appear to the Satisfaction of such Court or Judge that a Decree or Order to the same Effect would be pronounced by the  
 25 Court of Chancery upon Application made for the Purpose of having a Party restrained from setting up the legal Title, but upon such Terms or Conditions as to the said Court or Judge shall seem just.

Courts of Law may direct Trial of real Title in Ejectment.

VII. The Party delivering Interrogatories under Section Fifty-one  
 30 of "The Common Law Procedure Act, 1854," shall be entitled by means of such Interrogatories to obtain from the Party to whom such Interrogatories shall be delivered the same Discovery as to the Existence and Description of Documents, and as to all other Matters, as such Party may obtain by any Proceedings in the Court of Chan-  
 35 cery; and such Interrogatories may be delivered to the Officers or Servants of any Company, Copartnership, or other Body who are or may be authorized to sue and be sued by a nominal Plaintiff or Defendant on their Behalf, and to any Person or Persons on whose Behalf or for whose immediate Benefit the Action is brought or  
 40 defended, or to the Bankrupt or Insolvent in Actions brought by or against the Assignees of such Bankrupt or Insolvent.

CLAUSE C.  
 The same Discovery by Interrogatories as in Equity.

Interrogatories may be delivered to Officers of Companies and Parties interested, Bankrupts, &c.

CLAUSE D.  
Costs to be  
in the Dis-  
cretion of  
the Court.

VIII. The Costs of all Proceedings over which Jurisdiction is conferred on the Superior Courts of Common Law, or any Judge thereof, by this Act or "The Common Law Procedure Act, 1854," and which before the passing of those Acts were only cognizable in the Court of Chancery, shall be in the Discretion of the said Courts 5 of Common Law or any Judge thereof.

Power of  
Courts of  
Law to refer  
to Masters,  
and also to  
Chief Clerks  
and Convey-  
ancing Coun-  
sel, Account-  
ants, &c.

IX. For the Purpose of carrying this Act into effect, it shall be lawful for the said Courts of Common Law at Westminster, or any Judge thereof, to refer to any One of the Masters or Officers of the said Courts any Matters to be inquired into or reported upon or 10 otherwise dealt with, which the Court of Chancery or any Judge thereof may refer to the Chief Clerks or any of its Officers; and such Masters and Officers of the said Courts of Common Law shall have the same Powers and Jurisdiction in such Matters as the Chief Clerks or other Officers of the Court of Chancery have and exercise 15 in like Matters; and Parties and Witnesses shall and may be summoned to attend and give Evidence before such Masters and Officers in the Manner to be provided by the Rules to be made as hereinafter mentioned, and they shall be bound to attend and give Evidence accordingly, upon pain, in case of Disobedience, of the like Punish- 20 ment as for Disobedience of a Writ of Subpoena ad testificandum issued out of any of the said Courts of Common Law; and the said Masters and Officers are hereby empowered to administer an Oath and receive Affirmations to and from all Persons so attending before them; and all Persons swearing or affirming falsely before such Masters 25 or Officers shall be and are hereby declared to be guilty of the Crime of Perjury, and shall and may be punished accordingly; and further, it shall be lawful for any of the said Courts of Common Law, or any Judge thereof, if the said Court or Judge shall think fit so to do, in any of the Matters over which Jurisdiction is conferred upon 30 the said Courts or Judge by this Act, or the Common Law Procedure Act, 1854, and which before the passing of these Acts were cognizable before the Court of Chancery, to take, receive, and act upon the Opinion of any of the Conveyancing Counsel nominated by the Lord Chancellor, and to obtain the Assistance of Accountants, 35 Merchants, Engineers, Actuaries, or other scientific Persons, and to act on the Certificate of such Persons, in the same Manner and on the like Terms and Conditions, mutatis mutandis, as the Court of Chancery or any Judge thereof does in like Matters: Provided always, that the said Masters and Officers of the said Courts of 40 Common Law to whom any such Matters shall be referred to be inquired into, reported upon, or otherwise dealt with, shall, unless the Court or Judge by whom such Matters shall be so referred otherwise

otherwise order or the Parties consent, and then so far only as such Order or Consent may extend, inquire into such Matters by the oral Examination of Witnesses and Parties, and not on Affidavits, Depositions, or other written Proofs, or on written Interrogatories.

- 5 X. This Act and the Common Law Procedure Act, 1854, shall be read and construed as One Act; and on all Judgments, Orders, and Decrees, and the like Proceedings given or made by any One of the said Courts of Common Law at Westminster in the Matters over which Jurisdiction is given to them by this Act or the Common  
 10 Law Procedure Act, 1854, Error may be brought in the same Manner as on a Special Case by virtue of the said Common Law Procedure Act, 1854.
- Common Law Procedure Act, 1854, and this Act to be read as One; and proceedings in Error to be as on Special Case.

- XI. The Judges of the Superior Courts of Common Law at Westminster, or any Eight or more of them, may and they are hereby  
 15 required from Time to Time to make General Rules for carrying the Purposes of this Act into effect, and for regulating the Times and Form and Mode of Procedure, and generally the Practice of the said Courts in respect to the Matters to which this Act relates, and for regulating the Fees and Allowances to all Officers of the said Courts  
 20 or of the said Court of Chancery in all Matters referred to them by the said Courts of Common Law or any Judge thereof, as aforesaid, and the Attorneys of the said Courts in respect to such Matters, and so far as may be found expedient for altering the Course of Proceeding herein-before provided in respect to the Matters to which this  
 25 Act relates, or any of them; and such Rules may from Time to Time be rescinded or altered by the like Authority; and all such Rules shall take effect as General Rules of the said Courts.
- Judges of Courts of Law to make Rules, &c.

- XII. All General Rules and Orders so to be made shall immediately after the making and issuing thereof be laid before both  
 30 Houses of Parliament, if Parliament be then sitting, or if Parliament be not then sitting within Five Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within Thirty-six Days after such Rules or Orders have been laid before such Houses of Parliament, resolve  
 35 that the whole or any Part of such Rules or Orders ought not to continue in force, in such Case the whole or such Part thereof as shall be so included in such Resolution shall from and after such Resolution cease to be binding.
- Rules and Orders to be laid before Parliament.

- XIII. It shall be lawful for any of Her Majesty's Superior Courts of  
 40 Common Law at Westminster, or any Judge thereof, to sit, with the Assistance of any Judge of the Court of Chancery, upon the Request
- Equity Judge may sit on Request of Lord



Chief Justice of the Lord Chief Justice or Lord Chief Baron, as the Case may be, if any such Judge of the Court of Chancery shall find it convenient to attend upon such Request.

CLAUSE E.  
Provisions relating to Superior Courts to apply to Common Pleas at Lancaster and Durham.

Provisions as to Masters and Officers of Superior Courts to apply to Prothonotaries of Palatinate Courts.

XIV. The Enactments contained in Sections of this Act shall extend and apply to the Court of Common Pleas at 5 Lancaster and the Court of Pleas at Durham, and Actions and Proceedings therein respectively, and the Powers and Jurisdiction respectively given by those Sections to the Superior Courts of Common Law at Westminster, or any Judge thereof, shall and may be exercised respectively by the said Court of Common Pleas at Lancaster and 10 Court of Pleas at Durham, or any Judge of those Courts, the Judges exercising such Powers and Jurisdiction being respectively Judges of One of the said Common Law Courts at Westminster; and all the Provisions of this Act applicable to Masters and Officers of the said Common Law Courts at Westminster shall apply to the respective 15 Prothonotaries of the Court of Common Pleas at Lancaster and the Court of Pleas at Durham, and their respective Deputies acting in the Execution of the Duties of such Offices, which acting Officers respectively may singly exercise with reference to Matters and Proceedings in the last-mentioned Courts respectively the Powers hereby 20 given to the Masters and Officers of the said Courts of Common Law at Westminster.

CLAUSE F.  
Judges of Palatinate Courts to make Rules.

XV. It shall and may be lawful to and for the Judges of each of the said Courts of Common Pleas at Lancaster and Court of Pleas at Durham, being Judges of One of the Superior Courts of Common 25 Law at Westminster, or any Two of them, from Time to Time to make Rules and Orders for applying any of the General Rules to be so made from Time to Time by the Judges of the Superior Courts of Common Law at Westminster, under the Provisions of this Act, after the same shall have been so laid before both Houses of Parliament, 30 and shall, after the Lapse of Thirty-six Days thereafter, have been in complete Operation, to the said respective Superior Courts of the said Counties Palatine, and Matters and Proceedings therein, and Parties thereto, with such Modifications and Alterations with reference to the Constitution and peculiar Circumstances of such Courts as the said 35 first-mentioned Judges may think fit and reasonable, and from Time to Time to rescind, amend, or alter such Rules or Orders, and all such Rules and Orders shall take effect as General Rules of the said last-mentioned Courts.

Commencement of Act.

XVI. The Provisions of this Act shall come into operation on the 40 First Day of January in the Year of our Lord One thousand eight hundred and fifty-nine:



Common Law Procedure  
Act Amendment.

---

A

**B I L L**

[AS AMENDED IN COMMITTEE]

To amend the Common Law Procedure Act,  
1854, with reference to the Exercise of  
Equitable Jurisdiction.

*(Prepared and brought in by Mr. Atherton and  
Mr. Collier.)*

---

*Ordered, by The House of Commons, to be Printed,  
16 June 1858.*

---

[Bill 133.]     *Under 1 oz.*





## SCHEDULE to which this Act refers.

| Inclosure.                                | County.       | Date of Provisional Order. |
|-------------------------------------------|---------------|----------------------------|
| Paslow Wood Common -                      | Essex -       | 4th June 1857.             |
| Whittlebury (Lillingstone }<br>Dayrell) - | Northampton - | 16th July 1857.            |
| Pipe and Lyde -                           | Hereford -    | 13th August 1857.          |
| Rumney Meadow -                           | Hereford -    | 13th August 1857.          |
| Wooferswood Common -                      | Hereford -    | 13th August 1857.          |
| Landford Common -                         | Wilts -       | 30th July 1857.            |
| Langdon Moor -                            | Devon -       | 12th October 1857.         |
| Aylmarsh and Coughton Marsh               | Hereford -    | 21st June 1855.            |
| Boyton -                                  | Cornwall -    | 26th November 1857.        |
| Caldicot -                                | Monmouth -    | 17th December 1857.        |
| Shornecote -                              | Wilts -       | 4th December 1857.         |
| Turwick -                                 | Sussex -      | 22d January 1857.          |
| High and Low Bishopside Moor              | York -        | 17th December 1857.        |
| Haywards Heath -                          | Sussex -      | 30th December 1857.        |
| Soberton -                                | Southampton - | 13th January 1858.         |
| Chilson and Whichwood -                   | Oxford -      | 15th January 1858.         |
| Ascott and Whichwood -                    | Oxford -      | 15th January 1858.         |
| Leafield and Whichwood -                  | Oxford -      | 15th January 1858.         |
| Finstock Common Allotment -               | Oxford -      | 15th January 1858.         |
| Llandefeilog -                            | Carmarthen -  | 30th December 1857.        |
| Ware Marsh -                              | Hertford -    | 23d December 1857.         |
| Landford Wood -                           | Wilts -       | 23d December 1857.         |





# Commons Inclosure.

A

## B I L L

To authorize the Inclosure of certain  
Lands in pursuance of a Report of the  
Inclosure Commissioners for England  
and Wales.

(*Prepared and brought in by*  
*Mr. Hardy and Mr. Secretary Walpole.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*15 March 1858.*

---

[Bill 27.]

*Under 1 oz.*

237  
3 May 1858. 21 VICT.



(Scotland.)

A

# B I L L

TO

Amend the Law relating to the Confirmation of Executors in Scotland, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration.

**W**HEREAS it is expedient to amend the Law relating to the Preamble.  
Confirmation of Executors in Scotland, and to extend  
over the United Kingdom the Effect of such Confirmation,  
and of Grants of Probate and Administration: Be it enacted by the  
5 Queen's most Excellent Majesty, by and with the Advice and Consent  
of the Lords Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same, as follows:

I. From and after the *Twelfth Day of November One thousand* Edicts of  
*eight hundred and fifty-eight*, the Practice of raising Executry  
10 Executry before the Commissary Courts in Scotland, for the Decer-  
niture of Executors to deceased Persons, shall cease, and it shall not  
be competent to any Person to obtain himself decerned Executor in  
virtue of any such Edict.

[Bill 72.]

A

II. From

Petition to  
Commissary  
to be sub-  
stituted.

II. From and after *the Date aforesaid* every Person desirous of being decerned Executor of a deceased Person as Disponee, Next of Kin, Creditor, or in any other Character whatsoever now competent, except that of Executor Nominate, or of having some other Person, possessed of such Character, decerned Executor to a deceased 5 Person, shall, instead of applying, as heretofore, for an Edict of Executry from the Commissary, present a Petition to the Commissary for the Appointment of an Executor, which Petition shall be in the Form as nearly as may be of the Schedule (A.) hereunto annexed, and shall be subscribed by the Petitioner or by his Agent. 10

To whom  
Petition to  
be presented.

III. Such Petition shall be presented to the Commissary of the County wherein the Deceased died domiciled, or, in the Option of the Petitioner, and in the Case of Persons dying domiciled furth of Scotland, or without any fixed or known Domicile, having Personal or Moveable Property in Scotland, to the Commissary of Edinburgh. 15

Mode of  
intimating  
Petition.

IV. Every such Petition, in place of being published at the Kirk-door and Market Cross, as Edicts of Executry have been in use to be published, shall be intimated by the Commissary Clerk affixing on the Door of the Commissary Court House, or in some conspicuous Place of the Court and of the Office of the Commissary Clerk, in such 20 Manner as the Commissary may direct, a full Copy of the Petition, and by the Keeper of the Record of Edictal Citations at Edinburgh inserting in a Book, to be kept by him for that Purpose, the Names and Designations of the Petitioner and of the deceased Person, the Place and Date of his Death, and the Character in which the Petitioner seeks to be decerned Executor, which Particulars the Keeper 25 of the Record of Edictal Citations shall cause to be printed and published weekly, along with the Abstracts of the Petitions for General and Special Services, in the Form of Schedule (B.) hereunto annexed; Provided always, that to enable the Keeper of the Record of Edictal 30 Citations to make such Publication, the Commissary Clerk shall transmit to him the said Particulars, and to enable the Commissary Clerk to grant the Certificate after mentioned, the Keeper of the Record of Edictal Citations shall transmit to the Commissary Clerk a Copy, certified by the said Keeper, of the printed and published 35 Particulars, all in such Form and Manner and on Payment of such Fees as the Court of Session by Act of Sederunt may direct.

Certificate of  
Intimation  
of Petition.

V. The Commissary Clerk, after receiving the certified Copy of the printed and published Particulars, shall forthwith certify on the Petition that the same has been intimated and published, in Terms 40 of the Provisions of this Act, in the Form of Schedule (C.) hereunto annexed, and such Certificate shall be sufficient Evidence of the Facts



Facts therein set forth: Provided always, That where a Second Petition for Confirmation is presented in reference to the same Personal Estate, the Commissary shall direct Intimation of such Petition to be made to the Party who presented the First Petition.

Additional  
Intimation  
of Petition  
in certain  
Cases.

5 VI. On the Expiration of *Nine Days* after the Commissary Clerk shall have certified the Intimation and Publication of a Petition for the Appointment of an Executor as aforesaid, the same may be called in Court, and an Executor decerned, or other Procedure may take place, according to the Forms now in use in case of Edicts of Exe-  
10 cutry, and with the like Force and Effect; and Decree Dative may be extracted on the Expiration of *Three lawful Days* after it has been pronounced, but not sooner: Provided always, that nothing herein contained shall alter or affect the Law as to Executors finding Caution; and that Bonds of Caution for Executors may be partly  
15 printed and partly written.

Procedure  
on Petition.

Decree  
Dative.

Caution.

VII. Provided always, That nothing herein-before contained shall alter or affect the Course of Procedure now in use before the Commissaries in Confirmations of Executors Nominate.

Not to affect  
present Pro-  
cedure.

VIII. From and after *the Date aforesaid* it shall not be necessary, in exhibiting in any Commissary Court in Scotland an Inventory or additional Inventory of the Personal Estate and Effects of a Person deceased, to specify each particular Article of which the said Estate and Effects consist, but it shall be sufficient in such Inventory or additional Inventory to state generally the Nature of the Property  
25 and its Value under different Heads in the Form as nearly as may be of Schedule (D.) to this Act annexed: Provided always, that nothing herein contained, except as herein-before expressly provided, shall be construed to repeal or alter any of the Provisions of an Act passed in the Forty-eighth Year of His Majesty King George the  
30 Third, Chapter One hundred and forty-nine, or any other Act relating to Inventories of the Personal Estate and Effects of deceased Persons in Scotland.

Form of  
Inventory.

IX. From and after *the Date aforesaid* it shall be competent to include in the Inventory of the Personal Estate and Effects of any  
35 Person who shall have died domiciled in Scotland any Personal Estate or Effects of the Deceased situated in England or in Ireland, or both: Provided that the Person applying for Confirmation shall satisfy the Commissary, and that the Commissary shall by his Interlocutor find that the Deceased died domiciled in Scotland, which  
40 Interlocutor shall be conclusive Evidence of the Fact of Domicile: Provided also, that the Value of such Personal Estate and Effects

Inventory  
may include  
Personal  
Estate in  
any Part of  
United  
Kingdom.

situated in England or Ireland respectively shall be separately stated in such Inventory, and such Inventory shall be impressed with a Stamp corresponding to the entire Value of the Estate and Effects included therein, wheresoever situated within the United Kingdom.

5

Form and  
Effect of  
Confirma-  
tions.

X. Confirmations shall be in the Form, or as nearly as may be in the Form, of Schedules (E.) and (F.) hereunto annexed; and such Confirmations shall have the same Force and Effect with the like Writs framed in Terms of the Acts of Sederunt passed on the Twentieth December One thousand eight hundred and twenty-three and the Twenty-fifth February One thousand eight hundred and twenty-four, or at present in use.

10

Oaths,  
before whom  
to be taken.

XI. Oaths and Affirmations on Inventories of Personal Estates given up to be recorded in any Commissary Court may be taken either before the Commissary or his Depute, or the Commissary Clerk or his Depute, or before any Commissioner appointed by the Commissary, or before any Magistrate or Justice of the Peace within the United Kingdom or the Colonies, or any British Consul.

15

Confirma-  
tion pro-  
duced in  
Probate  
Court of  
England,  
and sealed,  
to have  
the Effect of  
Probate or  
Administra-  
tion.

XII. From and after *the Date aforesaid*, when any Confirmation of the Executor of a Person who shall have died domiciled in Scotland, which includes, besides the Personal Estate situated in Scotland, also Personal Estate situated in England, shall be produced in the Principal Court of Probate in England, and a Copy thereof deposited with the Registrar, together with a certified Copy of the Interlocutor of the Commissary finding that such deceased Person died domiciled in Scotland, such Confirmation shall be sealed with the Seal of the said Court, and returned to the Person producing the same, and shall thereafter have the like Force and Effect in England as if a Probate or Letters of Administration, as the Case may be, had been granted by the said Court of Probate.

20

25

30

Confirma-  
tion pro-  
duced in  
Probate  
Court of  
Dublin, and  
sealed, to  
have the  
Effect of  
Probate or  
Administra-  
tion.

XIII. From and after *the Date aforesaid*, where any Confirmation of the Executor of a Person who shall have died domiciled in Scotland, which includes, besides the Personal Estate situated in Scotland, also Personal Estate situated in Ireland, shall be produced in the Court of Probate in Dublin, and a Copy thereof deposited with the Registrar, together with a certified Copy of the Interlocutor of the Commissary finding that such deceased Person died domiciled in Scotland, such Confirmation shall be sealed with the Seal of the said Court, and returned to the Person producing the same, and shall thereafter have the like Force and Effect in Ireland as if a Probate or Letters of Administration, as the Case may be, had been granted by the said Court of Probate in Dublin.

35

40

XIV. From

XIV. From and after *the Date aforesaid*, when any Probate or Letters of Administration to be granted by the Court of Probate in England to the Executor of a Person who shall have died domiciled in England, or by the Court of Probate in Ireland to the Executor of a Person who shall have died domiciled in Ireland, shall be produced in the Commissary Court of the County of Edinburgh, and a Copy thereof deposited with the Commissary Clerk of the said Court, the Commissary Clerk shall endorse or write on the Back or Face of such Grant a Certificate in the Form as near as may be of the Schedule (G.) hereunto annexed; and such Probate or Letters of Administration, being duly stamped, shall be of the like Force and Effect and have the same Operation in Scotland as if a Confirmation had been granted by the said Court.

Probate or Letters of Administration produced in Commissary Court and certified, to have Effect of Confirmation.

XV. It shall be competent to the Court of Session, and they are hereby authorized and required, from Time to Time, to pass such Acts of Sederunt as shall be necessary and proper for regulating in all respects the Proceedings under this Act before the Commissary of Edinburgh and other Commissaries in Scotland, and following out the Purposes of this Act, and also the Fees to be paid to Agents before the said Courts, and to the Commissary Clerks and other Officers of Court, and the Expense of Publication of Petitions.

Acts of Sederunt to be passed.

XVI. All former Acts, and Acts of Sederunt made in virtue thereof, so far as inconsistent with the present Act, are hereby repealed; and this Act may be amended or repealed by any Act to be passed during the present Session of Parliament, and may be cited as the "Executors (Scotland) Act, 1858."

Former Acts repealed.

Short Title.

XVII. It shall be lawful for all Agents, duly qualified to practise before the Court of Session, to practise in the Commissary Court of Edinburgh, in so far as relates to any of the Proceedings authorized by this Act; provided that they shall not be entitled to Payment of any higher Fees than those legally exigible in such Court.

Agents before the Court of Session to be Agents in the Commissary Court of Edinburgh.



SCHEDULES to which the foregoing Act refers.

---

SCHEDULE (A.)

*Form of a Petition for Appointment of an Executor to a deceased Person who has died intestate.*

Unto the Honourable the Commissary of [*specify the County*], the  
Petition of *A.B.* [*here name and design the Petitioner*];

Humbly sheweth,

That the late *C.D.* [*here name and design the deceased Person to whom an Executor is sought to be appointed*] died at [*specify Place*] on or about the [*specify Date*], and had at the Time of his Death his ordinary or principal Domicile in the County of [*specify County*, or "furth of Scotland," or "without any fixed Domicile," or "without any known Domicile," *as the Case may be*].

That the Petitioner is the only Son and Next of Kin [*or state what other Relationship, Character, or Title the Petitioner has, giving him Right to apply for the Appointment of Executor*].

May it therefore please your Lordship to decern the Petitioner Executor Dative quâ Next of Kin to the said *C.D.* [*or state the other Character in which the Petitioner claims to be appointed Executor*].

According to Justice, &c.

[*Signed by the Petitioner or his Agent.*]

---

SCHEDULE (B.)

*Roll of Petitions for the Appointment of Executors in Commissary Courts in Scotland.*

| County.    | Name and Designation of Petitioner. | Title of Petitioner. | Name and Designation of Defunct.     | Place and Date of Death.                           |
|------------|-------------------------------------|----------------------|--------------------------------------|----------------------------------------------------|
| Edinburgh. | <i>A.B.</i> , Writer in Edinburgh.  | Next of Kin.         | <i>C.D.</i> , Merchant in Edinburgh. | No. George St.,<br>Edinburgh, 1st<br>January 1857. |

---

## SCHEDULE (C.)

*Form of Certificate by Commissary Clerk of Publication of a Petition for the Appointment of an Executor.*

I, *A.B.*, Commissary Clerk [*or "Commissary Clerk Depute," as the Case may be,*] of the County of [*specify County*], hereby certify that this Petition was intimated by affixing a Copy thereof on the Door of the Court-house [*if some other Place has been directed by the Commissary, specify it*], on the [*specify Date*], and by being published by the Keeper of the Record of Edictal Citations at Edinburgh, in the printed Roll of Petitions for the Appointment of Executors in the Commissary Courts of Scotland, printed and published on [*specify Date*].

*A.B.*

## SCHEDULE (D.)

*Form of Inventory.*

Inventory of the Personal Estate and Effects of *A.B.*, Merchant in  
Edinburgh, who died on the                      Day of                      18 .

|                                                                                                                                                                   | £ | s. | d. |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|----|----|
| I.—Cash in the House                      -                      -                      -                      -                                                  |   |    |    |
| II.—Furniture, Linen, Clothes, Books, Plate, Pictures,<br>Jewels, &c.                      -                      -                      -                      - |   |    |    |
| III.—Stock-in-Trade, Farm Stock, Implements of Hus-<br>bandry, &c.                      -                      -                      -                      -    |   |    |    |
| IV.—Stock and Shares of Public Companies                      -                      -                                                                            |   |    |    |
| V.—Money invested on Personal Security, including<br>Interest due                      -                      -                      -                      -     |   |    |    |
| VI.—Debts due to the Deceased, including Interest                      -                                                                                          |   |    |    |
| VII.—Other Personal Estate in Scotland                      -                      -                                                                              |   |    |    |
| Total Amount of Personal Estate in Scotland                                                                                                                       | £ |    |    |
| Amount of Personal Estate in England                      -                      -                                                                                | £ |    |    |
| Amount of Personal Estate in Ireland                      -                      -                                                                                | £ |    |    |

## SCHEDULE (E.)

*Form of a Testament Dative or Confirmation of the Executor of a Person who has died without naming one.*

I, *A.B.*, Commissary of the County of [*specify County*], considering that by my Decree, dated [*specify Date*], I decerned *C.D.*  
[72.]                                              C                                              Executor

Executor Dative quâ Next of Kin [*or other Character, as the Case may be,*] of the late *E.F.*, who died at [*specify Place*], on [*specify Date*], and seeing that the said *C.D.* has since given up on Oath an Inventory of the Personal Estate and Effects of the said *E.F.* at the Time of his Death situated in Scotland, [*or situated in Scotland and England, or in Scotland and Ireland, or in Scotland, England, and Ireland, as the Case may be,*] amounting in Value to Pounds, which Inventory has been recorded in my Court Books, of Date [*specify Date*], and that he has likewise found Caution for his Acts and Intromissions as Executor: Therefore I, in Her Majesty's Name and Authority, make, constitute, ordain, and confirm the said *C.D.* Executor Dative quâ [*specify Character*] to the Defunct, with full Power to him to uplift, receive, administer, and dispose of the said Personal Estate and Effects, and grant Discharges thereof, if needful to pursue therefor, and generally every other Thing concerning the same to do that to the Office of Executor Dative quâ [*specify Character*] is known to belong; providing always, that he shall render just Count and Reckoning for his Intromissions therewith when and where the same shall be legally required.

Given under the Seal of Office of the Commissariat [*specify County*], and signed by the Clerk of Court at [*specify Place*], the [*specify Date*].

*To be signed by the Commissary Clerk or his Deputé, and sealed with the Seal of Office.*

---

#### SCHEDULE (F.)

##### *Form of a Testament Testamentar or Confirmation of an Executor Nominate.*

I, *A.B.*, Commissary of the County of [*specify County*], considering that the late *C.D.* died at [*specify Place*], upon [*specify Date*], and that by his last Will [*or other Writing containing the Nomination of Executor*], dated [*specify Date*], and recorded in my Court Books upon [*specify Date*], the said *C.D.* nominated and appointed *E.F.* to be his Executor, and that the said *E.F.* has given up on Oath an Inventory of the Personal Estate and Effects of the said *C.D.* at the Time of his Death situated in Scotland, [*or situated in Scotland and England, or situated in Scotland and Ireland, or situated in Scotland, England, and Ireland, as the Case may be,*] amounting in Value to Pounds, which Inventory has likewise been recorded in my Court Books of Date [*specify Date*]: Therefore I, in Her Majesty's Name and Authority, ratify, approve, and confirm the Nomination



nation of Executor contained in the foresaid last Will [*or other Writing containing the Nomination of Executor*]; and I give and commit to the said *E.F.* full Power to uplift, receive, administer, and dispose of the said Personal Estate and Effects, grant Discharges thereof, if needful to pursue therefor, and generally every other Thing concerning the same to do that to the Office of an Executor Nominate is known to belong; providing always, that he shall render just Count and Reckoning for his Intromissions therewith when and where the same shall be legally required.

Given under the Seal of Office of the Commissariat of [*specify County*], and signed by the Clerk of Court at [*specify Place*], the [*specify Date*].

*To be signed by the Commissary Clerk or his Depute, and sealed with the Seal of Office.*

---

SCHEDULE (G.)

I, *A.B.*, Commissary Clerk [*or Commissary Clerk Depute*] of the County of Edinburgh, hereby certify that this Grant of Probate has [*or these Letters of Administration have*] been produced in the Commissary Court of the said County, and that a Copy thereof has been deposited with me.

---

# Confirmation of Executors, &c.

---

A

## B I L L

To amend the Law relating to the Confirmation of Executors in Scotland, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration.

*(Prepared and brought in by  
The Lord Advocate, Mr. Secretary Walpole, and  
Mr. Attorney General.)*

---

*Ordered, by The House of Commons, to be Printed,  
8 May 1858.*

---

[Bill 72.]

*Under 2 oz.*

14 June 1858. 21 VICT.



(Scotland.)

A

**B I L L**

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Confirmation of Executors in Scotland, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration.

**W**HEREAS it is expedient to amend the Law relating to the Confirmation of Executors in Scotland, and to extend over the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Preamble.

I. From and after the Twelfth Day of November One thousand eight hundred and fifty-eight, the Practice of raising Edicts of Executry before the Commissary Courts in Scotland, for the Decerniture of Executors to deceased Persons, shall cease, and it shall not be competent to any Person to obtain himself decerned Executor in virtue of any such Edict.

Edicts of Executry to cease.

[Bill 129.]

A

II. From



Petition to  
Commissary  
to be sub-  
stituted.

II. From and after the Date aforesaid every Person desirous of being decerned Executor of a deceased Person as Disponee, Next of Kin, Creditor, or in any other Character whatsoever now competent, or of having some other Person, possessed of such Character, decerned Executor to a deceased Person, shall, instead of applying, 5 as heretofore, for an Edict of Executry from the Commissary, present a Petition to the Commissary for the Appointment of an Executor, which Petition shall be in the Form as nearly as may be of the Schedule (A.) hereunto annexed, and shall be subscribed by the Petitioner or by his Agent. 10

To whom  
Petition to  
be presented.

III. Such Petition shall be presented to the Commissary of the County wherein the Deceased died domiciled, or, in the Option of the Petitioner, and in the Case of Persons dying domiciled furth of Scotland, or without any fixed or known Domicile, having Personal or Moveable Property in Scotland, to the Commissary of Edinburgh. 15

Mode of  
intimating  
Petition.

IV. Every such Petition, in place of being published at the Kirk-door and Market Cross, as Edicts of Executry have been in use to be published, shall be intimated by the Commissary Clerk affixing on the Door of the Commissary Court House, or in some conspicuous Place of the Court and of the Office of the Commissary Clerk, in such 20 Manner as the Commissary may direct, a full Copy of the Petition, and by the Keeper of the Record of Edictal Citations at Edinburgh inserting in a Book, to be kept by him for that Purpose, the Names and Designations of the Petitioner and of the deceased Person, the Place and Date of his Death, and the Character in which the Petitioner seeks to be decerned Executor, which Particulars the Keeper 25 of the Record of Edictal Citations shall cause to be printed and published weekly, along with the Abstracts of the Petitions for General and Special Services, in the Form of Schedule (B.) hereunto annexed; Provided always, that to enable the Keeper of the Record of Edictal 30 Citations to make such Publication, the Commissary Clerk shall transmit to him the said Particulars, and to enable the Commissary Clerk to grant the Certificate after mentioned, the Keeper of the Record of Edictal Citations shall transmit to the Commissary Clerk a Copy, certified by the said Keeper, of the printed and published 35 Particulars, all in such Form and Manner and on Payment of such Fees as the Court of Session by Act of Sederunt may direct.

Certificate of  
Intimation  
of Petition.

V. The Commissary Clerk, after receiving the certified Copy of the printed and published Particulars, shall forthwith certify on the Petition that the same has been intimated and published, in Terms 40 of the Provisions of this Act, in the Form of Schedule (C.) hereunto annexed, and such Certificate shall be sufficient Evidence of the

1807A. 22

[1821.118] Facts

Facts therein set forth : Provided always, That where a Second Petition for Confirmation is presented in reference to the same Personal Estate, the Commissary shall direct Intimation of such Petition to be made to the Party who presented the First Petition.

Additional Intimation of Petition in certain Cases.

5 VI. On the Expiration of Nine Days after the Commissary Clerk shall have certified the Intimation and Publication of a Petition for the Appointment of an Executor as aforesaid, the same may be called in Court, and an Executor decerned, or other Procedure may take place, according to the Forms now in use in case of Edicts of Exe-  
10 cutry, and with the like Force and Effect ; and Decree Dative may be extracted on the Expiration of Three lawful Day after it has been pronounced, but not sooner : Provided always, that nothing herein contained shall alter or affect the Law as to Executors finding Caution ; and that Bonds of Caution for Executors may be partly  
15 printed and partly written.

Procedure on Petition.

Decree Dative.

Caution.

VII. Provided always, That nothing herein-before contained shall alter or affect the Course of Procedure now in use before the Commissaries in Confirmations of Executors Nominate.

Not to affect present Procedure.

VIII. Inventories of Personal Estates of deceased Persons and re-  
20 lative Testamentary Writings may be given up and recorded in, and Confirmations may be granted and issued by, any Commissary Court to which it is competent to apply in virtue of the Provisions of this Act for the Appointment of an Executor Dative to the Deceased.

CLAUSE A.  
Where Inventories and Testamentary Writings may be recorded, and by what Commissary Confirmations may be granted.  
Inventory may include Personal Estate in any Part of United Kingdom.

IX. From and after the Date aforesaid it shall be competent to  
25 include in the Inventory of the Personal Estate and Effects of any Person who shall have died domiciled in Scotland any Personal Estate or Effects of the Deceased situated in England or in Ireland, or both : Provided that the Person applying for Confirmation shall satisfy the Commissary, and that the Commissary shall by his Inter-  
30 locutor find that the Deceased died domiciled in Scotland, which Interlocutor shall be conclusive Evidence of the Fact of Domicile : Provided also, that the Value of such Personal Estate and Effects situated in England or Ireland respectively shall be separately stated in such Inventory, and such Inventory shall be impressed  
35 with a Stamp corresponding to the entire Value of the Estate and Effects included therein, wheresoever situated within the United Kingdom.

X. Confirmations shall be in the Form, or as nearly as may be in the Form, of Schedules (D.) and (E.) hereunto annexed ; and such  
40 Confirmations shall have the same Force and Effect with the like Writs

Form and Effect of Confirmations.

framed in Terms of the Acts of Sederunt passed on the Twentieth December One thousand eight hundred and twenty-three and the Twenty-fifth February One thousand eight hundred and twenty-four, or at present in use.

Oaths,  
before whom  
to be taken.

XI. Oaths and Affirmations on Inventories of Personal Estates 5  
given up to be recorded in any Commissary Court may be taken  
either before the Commissary or his Depute, or the Commissary  
Clerk or his Depute, or before any Commissioner appointed by the  
Commissary, or before any Magistrate or Justice of the Peace within  
the United Kingdom or the Colonies, or any British Consul. 10

Confirma-  
tion pro-  
duced in  
Probate  
Court of  
England,  
and sealed,  
to have  
the Effect of  
Probate or  
Administra-  
tion.

XII. From and after the Date aforesaid, when any Confirmation  
of the Executor of a Person who shall in manner aforesaid be  
found to have died domiciled in Scotland, which includes, besides  
the Personal Estate situated in Scotland, also Personal Estate situated  
in England, shall be produced in the Principal Court of Probate in 15  
England, and a Copy thereof deposited with the Registrar, together  
with a certified Copy of the Interlocutor of the Commissary finding  
that such deceased Person died domiciled in Scotland, such Con-  
firmation shall be sealed with the Seal of the said Court, and re-  
turned to the Person producing the same, and shall thereafter have 20  
the like Force and Effect in England as if a Probate or Letters of  
Administration, as the Case may be, had been granted by the said  
Court of Probate.

Confirma-  
tion pro-  
duced in  
Probate  
Court of  
Dublin, and  
sealed, to  
have the  
Effect of  
Probate or  
Administra-  
tion.

XIII. From and after the Date aforesaid, where any Confirmation  
of the Executor of a Person who shall so be found to have died 25  
domiciled in Scotland, which includes, besides the Personal Estate  
situated in Scotland, also Personal Estate situated in Ireland, shall be  
produced in the Court of Probate in Dublin, and a Copy thereof  
deposited with the Registrar, together with a certified Copy of the  
Interlocutor of the Commissary finding that such deceased Person 30  
died domiciled in Scotland, such Confirmation shall be sealed with  
the Seal of the said Court, and returned to the Person producing  
the same, and shall thereafter have the like Force and Effect in  
Ireland as if a Probate or Letters of Administration, as the Case  
may be, had been granted by the said Court of Probate in Dublin. 35

Probate or  
Letters of  
Administra-  
tion pro-  
duced in  
Commissary  
Court and  
certified, to  
have Effect  
of Confir-  
mation.

XIV. From and after the Date aforesaid, when any Probate or  
Letters of Administration to be granted by the Court of Probate  
in England to the Executor or Administrator of a Person who shall  
be therein, or by any Note or Memorandum written thereon signed by  
the proper Officer, stated to have died domiciled in England, or by 40  
the Court of Probate in Ireland to the Executor or Administrator  
of



of a Person who shall in like Manner be stated to have died domiciled in Ireland, shall be produced in the Commissary Court of the County of Edinburgh, and a Copy thereof deposited with the Commissary Clerk of the said Court; the Commissary Clerk shall endorse or  
 5 write on the Back or Face of such Grant a Certificate in the Form as near as may be of the Schedule (F.) hereunto annexed; and such Probate or Letters of Administration, being duly stamped, shall be of the like Force and Effect and have the same Operation in Scotland as if a Confirmation had been granted by the said Court.

- 10 XV. In any of the aforesaid Cases where the deceased Person shall be stated in or upon the Probate of Letters of Administration to have been domiciled in England or in Ireland, as the Case may be, such Probate or Letters of Administration shall, for the Purpose of securing the Payment of the full and proper Stamp Duties, be deemed and  
 15 considered to be granted for and in respect of the whole of the Personal and Moveable Estate and Effects of the Deceased in the United Kingdom, within the Meaning of the Act of Parliament passed in the Fifty-fifth Year of the Reign of King George the Third, Chapter One hundred and eighty-four, and of all other Acts of Parliament  
 20 granting or relating to Stamp Duties on Probates and Letters of Administration in England and Ireland respectively; and the Affidavit required by Law to be made on applying for Probate or Letters of Administration in England or Ireland as to the Value of the Estate and Effects of the Deceased; and also where the Commissary shall in  
 25 manner aforesaid find that the Deceased was domiciled in Scotland, the Inventory required by Law to be exhibited and recorded in the proper Commissary Court in Scotland before obtaining Confirmation, or intermitting with or entering upon the Possession or Management of the Personal or Moveable Estate or Effects of the Deceased in  
 30 Scotland, shall respectively extend to and include the whole of the Personal and Moveable Estate of the deceased Person in the United Kingdom, and the Value thereof; and the Stamp Duties for the Time being chargeable on Probates and Letters of Administration and on Inventories respectively shall be chargeable upon any Probate or  
 35 Letters of Administration to be granted, and any Inventory to be exhibited and recorded as aforesaid respectively, for and in respect of the whole of the Personal and Moveable Estate and Effects of the Deceased in the United Kingdom and the Value thereof; and the said Affidavit shall also separately specify the Value of the said Estate and  
 40 Effects in Scotland.

CLAUSE B.  
 For securing the Stamp Duties, Probates, &c. to be deemed granted for all the Property in the United Kingdom. Inventory to include all such Property.

XVI. For the Purpose aforesaid, and also for granting Relief where too high a Stamp Duty shall have been paid on any such Probate or Letters of Administration, or Inventory, the Provisions  
 [129.] A 3 contained

CLAUSE C.  
 Provisions of former Acts to apply to the Probates,

Letters of Administration, and Inventories mentioned in this Act.

contained in Sections Forty, Forty-one, Forty-two, and Forty-three, of the said Act passed in the Fifty-fifth Year of His Majesty King George the Third, relating to Probates and Letters of Administration granted in England, and the like Provisions in the Act passed in the Fifty-sixth Year of the said King, Chapter Fifty-six, relating to Probates and Letters of Administration granted in Ireland, and the Provisions contained in the Act passed in the Forty-eighth Year of the said King relating to Inventories in Scotland, and also all other Provisions contained in the said Acts respectively, or in any other Act or Acts relating to Probates and Letters of Administration and Inventories respectively, shall apply to the Probates and Letters of Administration to which effect is given by this Act, and to the whole of the Personal and Moveable Estate of the Deceased for or in respect of which the same shall, in pursuance of this Act, be deemed to be granted, wheresoever situate in the United Kingdom; and also to the Inventories in which the whole of the Personal and Moveable Estate of the Deceased, wheresoever situate in the United Kingdom, ought, in pursuance of this Act, to be included, in as full and ample a Manner as if all such Provisions were herein enacted in reference to such Probates, Letters of Administration, and Inventories respectively.

CLAUSE D.  
Affidavit as to Domicile to be made on applying for Probate or Administration.

XVII. Provided, That in any Case where, on applying for Probate or Letters of Administration, it shall be required to be stated as aforesaid that the Deceased was domiciled in England or in Ireland, the Affidavit so as aforesaid required by Law shall specify the Fact according to the Deponent's Belief, which shall be sufficient to authorize the same to be so stated in or upon the Probate or Letters of Administration: Provided also, that any such Statement, and the Interlocutor of the Commissary finding that the Deceased was domiciled in Scotland, shall be Evidence, and have effect for the Purposes of this Act only.

Acts of Sederunt to be passed.

XVIII. It shall be competent to the Court of Session, and they are hereby authorized and required, from Time to Time, to pass such Acts of Sederunt as shall be necessary and proper for regulating in all respects the Proceedings under this Act before the Commissary of Edinburgh and other Commissaries in Scotland, and following out the Purposes of this Act, and also the Fees to be paid to Agents before the said Courts, and to the Commissary Clerks and other Officers of Court, and the Expense of Publication of Petitions.

Former Acts repealed.

XIX. All former Acts, and Acts of Sederunt made in virtue thereof, so far as inconsistent with the present Act, are hereby repealed; and

and this Act may be amended or repealed by any Act to be passed during the present Session of Parliament, and may be cited as the "Executors (Scotland) Act, 1858."

XX. It shall be lawful for all Agents, duly qualified to practise Agents before the Court of Session, to practise in the Commissary Court of Edinburgh, in so far as relates to any of the Proceedings authorized by this Act; provided that they shall not be entitled to Payment of the higher Fees than those legally exigible in such Court.



SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

*Form of a Petition for Appointment of an Executor to a deceased Person.*

Unto the Honourable the Commissary of [*specify the County*], the Petition of *A.B.* [*here name and design the Petitioner*];

Humbly sheweth,

That the late *C.D.* [*here name and design the deceased Person to whom an Executor is sought to be appointed*] died at [*specify Place*] on or about the [*specify Date*], and had at the Time of his Death his ordinary or principal Domicile in the County of [*specify County, or "furth of Scotland," or "without any fixed Domicile," or "without any known Domicile," as the Case may be*].

That the Petitioner is the only Son and Next of Kin [*or state what other Relationship, Character, or Title the Petitioner has, giving him Right to apply for the Appointment of Executor*].

May it therefore please your Lordship to decern the Petitioner Executor Dative quâ Next of Kin to the said *C.D.* [*or state the other Character in which the Petitioner claims to be appointed Executor*].

According to Justice, &c.

[*Signed by the Petitioner or his Agent.*]

SCHEDULE (B.)

*Roll of Petitions for the Appointment of Executors in Commissary Courts in Scotland.*

| County.    | Name and Designation of Petitioner. | Title of Petitioner. | Name and Designation of Defunct.     | Place and Date of Death.                     |
|------------|-------------------------------------|----------------------|--------------------------------------|----------------------------------------------|
| Edinburgh. | <i>A.B.</i> , Writer in Edinburgh.  | Next of Kin.         | <i>C.D.</i> , Merchant in Edinburgh. | No. George St., Edinburgh, 1st January 1857. |

## SCHEDULE (C.)

*Form of Certificate by Commissary Clerk of Publication of a Petition for the Appointment of an Executor.*

I, *A.B.*, Commissary Clerk [*or* "Commissary Clerk Depute," *as the Case may be,*] of the County of [*specify County*], hereby certify that this Petition was intimated by affixing a Copy thereof on the Door of the Court-house [*if some other Place has been directed by the Commissary, specify it*], on the [*specify Date*], and by being published by the Keeper of the Record of Edictal Citations at Edinburgh, in the printed Roll of Petitions for the Appointment of Executors in the Commissary Courts of Scotland, printed and published on [*specify Date*].

*A.B.*

## SCHEDULE (D.)

*Form of a Testament Dative or Confirmation of the Executor of a Person who has died without naming one.*

I, *A.B.*, Commissary of the County of [*specify County*], considering that by my Decree, dated [*specify Date*], I decerned *C.D.* Executor Dative quâ Next of Kin [*or other Character, as the Case may be,*] of the late *E.F.*, who died at [*specify Place*], on [*specify Date*], and seeing that the said *C.D.* has since given up on Oath an Inventory of the Personal Estate and Effects of the said *E.F.* at the Time of his Death situated in Scotland, [*or situated in Scotland and England, or in Scotland and Ireland, or in Scotland, England, and Ireland, as the Case may be,*] amounting in Value to Pounds, which Inventory has been recorded in my Court Books, of Date [*specify Date*], and that he has likewise found Caution for his Acts and Intromissions as Executor: Therefore I, in Her Majesty's Name and Authority, make, constitute, ordain, and confirm the said *C.D.* Executor Dative quâ [*specify Character*] to the Defunct, with full Power to him to uplift, receive, administer, and dispose of the said Personal Estate and Effects, and grant Discharges thereof, if needful to pursue therefor, and generally every other Thing concerning the same to do that to the Office of Executor Dative quâ [*specify Character*] is known to belong; providing always, that he shall render just Count and Reckoning for his Intromissions therewith when and where the same shall be legally required.

Given under the Seal of Office of the Commissariat [*specify County*], and signed by the Clerk of Court at [*specify Place*], the [*specify Date*].

*To be signed by the Commissary Clerk or his Depute, and sealed with the Seal of Office.*

## SCHEDULE (E.)

*Form of a Testament Testamentar or Confirmation of an  
Executor Nominate.*

I, *A.B.*, Commissary of the County of [*specify County*], considering that the late *C.D.* died at [*specify Place*], upon [*specify Date*], and that by his last Will [*or other Writing containing the Nomination of Executor*], dated [*specify Date*], and recorded in my Court Books upon [*specify Date*], the said *C.D.* nominated and appointed *E.F.* to be his Executor, and that the said *E.F.* has given up on Oath an Inventory of the Personal Estate and Effects of the said *C.D.* at the Time of his Death situated in Scotland, [*or situated in Scotland and England, or situated in Scotland and Ireland, or situated in Scotland, England, and Ireland, as the Case may be,*] amounting in Value to                Pounds, which Inventory has likewise been recorded in my Court Books of Date [*specify Date*]: Therefore I, in Her Majesty's Name and Authority, ratify, approve, and confirm the Nomination of Executor contained in the foresaid last Will [*or other Writing containing the Nomination of Executor*]; and I give and commit to the said *E.F.* full Power to uplift, receive, administer, and dispose of the said Personal Estate and Effects, grant Discharges thereof, if needful to pursue therefor, and generally every other Thing concerning the same to do that to the Office of an Executor Nominate is known to belong; providing always, that he shall render just Count and Reckoning for his Intromissions therewith when and where the same shall be legally required.

Given under the Seal of Office of the Commissariat of [*specify County*], and signed by the Clerk of Court at [*specify Place*], the [*specify Date*].

*To be signed by the Commissary Clerk or his Depute, and sealed with the Seal of Office.*

## SCHEDULE (F.)

I, *A.B.*, Commissary Clerk [*or Commissary Clerk Depute*] of the County of Edinburgh, hereby certify that this Grant of Probate has [*or these Letters of Administration have*] been produced in the Commissary Court of the said County, and that a Copy thereof has been deposited with me.





# Confirmation of Executors, &c.

---

A

## B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the Confirmation of Executors in Scotland, and to extend over all Parts of the United Kingdom the Effect of such Confirmation, and of Grants of Probate and Administration.

*(Prepared and brought in by  
The Lord Advocate, Mr. Secretary Walpole, and  
Mr. Attorney General.)*

---

*Ordered, by The House of Commons, to be Printed,  
14 June 1858.*

---

[Bill 129.]  
*Under 2 oz.*

19 July 1858. 21 & 22 VICT.



A

# B I L L

TO

Apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-eight, and to appropriate the Supplies granted in this Session of Parliament.

Most Gracious Sovereign,

**W**E, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good  
 5 the Supply which we have cheerfully granted to Your Majesty in this Session of Parliament, have resolved to grant unto Your Majesty the Sums herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent  
 10 of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

I. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-eight, the Sum  
 15 of Eleven million two hundred twenty-six thousand two hundred and fifty-five Pounds One Shilling and One Penny, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or the Lord High  
 20 Treasurer of the United Kingdom of Great Britain and Ireland, for  
 [Bill 224.] A the

Preamble.

There shall be applied for the Service of the Year 1858 the Sum of 11,226,255*l.* 1*s.* 1*d.* out of the Consolidated Fund.



the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury  
may cause  
11,226,255*l*.  
1*s*. 1*d*. of Ex-  
chequer Bills  
to be made out  
in manner  
prescribed by  
48 G. 3. c. 1.,  
4 & 5 W. 4.  
c. 15., and  
5 & 6 Vict.  
c. 66.

II. It shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at 5 the Receipt of Her Majesty's Exchequer at Westminster for any Sum or Sums of Money not exceeding in the whole the Sum of Eleven million two hundred twenty-six thousand two hundred and fifty-five Pounds One Shilling and One Penny; and such Exchequer Bills shall be made out in the same or like Manner, 10 Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King George the Third, Chapter One, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His 15 late Majesty King William the Fourth, Chapter Fifteen, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, Chapter Sixty-six.

The Clauses,  
&c. in recited  
Acts extended  
to this Act.

III. All and every the Clauses, Provisoos, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the 20 said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if particularly repeated and re-enacted in this Act.

Interest on Ex-  
chequer Bills.

IV. The Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Threepence 25 Halfpenny per Centum per Diem upon or in respect of the whole of the Monies respectively contained therein.

Bank of  
England may  
advance  
11,226,255*l*.  
1*s*. 1*d*. on the  
Credit of  
this Act, not-  
withstanding  
5 & 6 W. & M.  
c. 20.

V. It shall and may be lawful for the Governor and Company of the Bank of England, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in 30 pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at Westminster, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any Sum or Sums of Money not exceeding in the whole the Sum of Eleven million two hundred 35 and twenty-six thousand two hundred and fifty-five Pounds One Shilling and One Penny, anything in an Act passed in the Fifth and Sixth Years of the Reign of King William and Queen Mary, Chapter Twenty, or in any other Act or Acts, to the contrary notwithstanding.

Bills prepared  
by virtue of  
this Act to be

VI. It shall be lawful for the said Commissioners of Her Majesty's 40 Treasury, and they are hereby authorized and empowered, to cause such

such Exchequer Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of England, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of England, under the Authority of this Act.

delivered to the Bank, as Security for such Advances.

VII. It shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of Great Britain and Ireland in this present Session of Parliament.

Monies raised by Exchequer Bills to be applied to the Services voted by the Commons.

VIII. The Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at Westminster, in such Manner as they shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of England unto such Person or Persons as shall be named in the said Warrant; which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

IX. There shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and fifty-eight, the Sum of Four million three hundred twenty-seven thousand two hundred and ninety-two Pounds Eighteen Shillings and Elevenpence being the Surplus of Ways and Means granted for the Service of preceding Years, and the Commissioners of Her Majesty's Treasury are hereby authorized and empowered to issue and apply the same accordingly.

Treasury may apply for the Service of the Year 1858, 4,327,292*l.* 18*s.* 11*d.* Surplus of Ways and Means.

X. All the Monies coming into the Exchequer of the United Kingdom of Great Britain and Ireland by an Act passed in this

Appropriation of Ways and Means to Ser-

vices hereafter  
expressed.  
21 Vict. c. 6.

21 Vict. c. 5.

21 Vict. c. 13.

21 Vict. c. 17.

Session of Parliament, intituled "An Act to apply the Sum of Five  
" hundred thousand Pounds out of the Consolidated Fund to the  
" Service of the Year ending the Thirty-first Day of March  
" One thousand eight hundred and fifty-eight," and also the Sum  
of Ten Millions granted by one other Act passed in this Session of 5  
Parliament, intituled "An Act to apply the Sum of Ten Millions out  
" of the Consolidated Fund to the Service of the Year One thousand  
" eight hundred and fifty-eight," and also the Sum of Twenty million  
nine hundred and eleven thousand five hundred Pounds, granted by  
one other Act passed in this Session of Parliament, intituled "An 10  
" Act for raising the Sum of Twenty million nine hundred and  
" eleven thousand five hundred Pounds by Exchequer Bills for the  
" Service of the Year One thousand eight hundred and fifty-eight,"  
and also the Sum of Eleven Millions granted by one other Act passed  
in this Session of Parliament, intituled "An Act to apply the Sum of 15  
" Eleven Millions out of the Consolidated Fund to the Service of the  
" Year One thousand eight hundred and fifty-eight," and also the  
respective Sums of Eleven million two hundred twenty-six thousand  
two hundred and fifty-five Pounds One Shilling and One Penny, and  
Four million three hundred twenty-seven thousand two hundred and  
ninety-two Pounds Eighteen Shillings and Elevenpence, by this Act 20  
granted, amounting in the aggregate to the Sum of Thirty-seven  
million fifty-three thousand five hundred and forty-eight Pounds in  
Money, and Twenty million nine hundred eleven thousand and five  
hundred Pounds in Exchequer Bills, shall be further appropriated, and  
are hereby appropriated, and shall be issued and applied for or towards 25  
the several Uses and Purposes hereafter expressed.

There shall  
be issued  
9,839,859*l.*  
for Navy  
Services; viz.:

2,401,599*l.* for  
Wages to  
59,380 Seamen  
and Marines;

1,027,357*l.* for  
Victuals, &c.  
in the Navy;

XI. Out of all or any the Aids or Supplies aforesaid there shall  
and may be issued and applied any Sum or Sums of Money not  
exceeding Nine million eight hundred thirty-nine thousand eight hun- 30  
dred and fifty-nine Pounds, for or towards the Navy Services herein-  
after more particularly mentioned; (that is to say,) any Sum or  
Sums of Money not exceeding Two million four hundred and one  
thousand five hundred and ninety-nine Pounds, to defray the  
Charge of Wages to Fifty-nine thousand three hundred and eighty 35  
Seamen and Marines, which will come in course of Payment  
during the Year ending on the Thirty-first Day of March  
One thousand eight hundred and fifty-nine; and any Sum or Sums  
of Money not exceeding One million twenty-seven thousand three  
hundred and fifty-seven Pounds, to defray the Charge of Victuals 40  
to Seamen and Marines, which will come in course of Payment  
during the Year ending on the Thirty-first Day of March One  
thousand eight hundred and fifty-nine; and any Sum or Sums  
of Money not exceeding One hundred forty thousand four hundred  
and



- and thirty-nine Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and
- 5 any Sum or Sums of Money not exceeding One hundred seventy-eight thousand five hundred and ninety-two Pounds, to defray the Salaries and Expenses of the Coast Guard Service, and the Charges for the Royal Naval Coast Volunteers, which will come in course of Payment during the Year ending on the Thirty-first Day of March
- 10 One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixty thousand six hundred and fifteen Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several scientific Departments of the Navy, which will come in course of Payment during the Year ending on the
- 15 Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred fifty-one thousand six hundred and thirty-four Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course
- 20 of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-seven thousand two hundred and seventy-nine Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will
- 25 come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine hundred sixty-six thousand nine hundred and twenty-one Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in
- 30 Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty-four thousand six hundred and seventy-one Pounds, to defray the Charge of Wages to Artificers,
- 35 Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One million three hundred eighty-nine thousand seven hundred and forty-
- 40 two Pounds, to defray the Expense of Naval Stores for the building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or
- 45 Sums of Money not exceeding Five hundred eighty-five thousand

140,439*l.* for Salaries, &c. of the Admiralty Office;

178,592*l.* for Coast Guard Service and Royal Naval Coast Volunteers;

60,615*l.* for the Navy Scientific Departments;

151,634*l.* for Naval Establishments at home;

27,279*l.* for Naval Establishments abroad;

966,921*l.* for Wages of Artificers, &c. at home;

54,671*l.* for Wages of Artificers, &c. abroad;

1,389,742*l.* for Naval Stores, &c.;

585,862*l.* for New Works in Naval Establishments;

eight hundred and sixty-two Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty thousand 5 Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventy-one thousand four hundred and seventy Pounds, to defray the Charge 10 of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six hundred ninety-four thousand one hundred and forty-eight Pounds, to defray the Charge of Half Pay, 15 Reserved Half Pay, and Retirement to Officers of the Navy and Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four hundred eighty thousand and sixty-one Pounds, to defray 20 the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred sixty thousand four hundred and eighty-one Pounds, to defray the Charge of Civil 25 Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four hundred and ten thousand five hundred Pounds, to defray the Charge for the Freight of Ships, for the victualling 30 and Conveyance of Troops, on account of the Army, which will come in course of Payment during the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine hundred eighty-eight thousand four hundred and eighty-eight Pounds, to defray the 35 Charge of the Packet Service, for the Year ending on the Thirty-first Day of March One thousand eight hundred and fifty-nine.

50,000*l.* for  
Medicines, &c.;

71,470*l.* for  
Naval Mis-  
cellaneous  
Services;

694,148*l.* for  
Naval Half  
Pay, &c.;

480,061*l.* for  
Military Pen-  
sions;

160,481*l.* for  
Civil Pensions;

410,500*l.* for  
Freight of  
Ships, Con-  
veyance of  
Troops, &c.;

988,488*l.* for  
Packet Service.

There shall  
be issued  
500,000*l.*  
for Army  
Services,  
1857-8.

XII. And whereas, in order to provide for the Exigencies of the Army Services, it has been necessary to incur an Expenditure for Army 40 Services beyond the Grants for the Year ended on the Thirty-first Day of March One thousand eight hundred and fifty-eight, amounting to Five hundred thousand Pounds: Be it therefore enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued

issued and applied any Sum or Sums of Money not exceeding Five hundred thousand Pounds towards defraying the Charge of the embodied Militia of Great Britain and Ireland, which will have come in course of Payment in the Year to the Thirty-first Day of March

5 One thousand eight hundred and fifty-eight.

- XIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four million and seven thousand seven hundred and thirty-five Pounds, for defraying the Charge for Wages of Artificers,
- 10 Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing, Barrack Furniture, &c., Provisions, Forage, Fuel, and Light, and the Charge of Stores for Land and Sea Service, and the Charge of Works, Buildings, and Repairs at home and abroad, herein-after more particularly mentioned; (that is to say,)
- 15 any Sum or Sums of Money not exceeding Five hundred thirty-eight thousand three hundred and seventeen Pounds, to defray the Charge of the Wages of Artificers, Labourers, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand
- 20 eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Six hundred eighty-nine thousand four hundred and sixty Pounds, to defray the Charge of Clothing and Necessaries, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of
- 25 March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One million fifty-one thousand six hundred and twenty-four Pounds, to defray the Charge of Provisions, Forage, Fuel and Light, Barrack Furniture, Bedding, &c., which will come in course of Payment from the First Day of
- 30 April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Six hundred thirty-four thousand seven hundred and twenty-seven Pounds, to defray the Charge of warlike Stores for Land and Sea Service, which will
- 35 come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Two hundred eighty-five thousand seven hundred and thirty-six Pounds, to defray the Charge of Forti-
- 40 fications at home and abroad, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One hundred twenty-eight thousand seven hundred and
- [224.]

There shall be issued 4,007,735*l.* for Army Services, viz.:

538,317*l.* for Wages of Artificers, &c.;

689,460*l.* for Clothing and Necessaries

1,051,624*l.* for Provisions, Barrack Furniture, &c.;

634,727*l.* for Stores for Land and Sea Service;

285,786*l.* for Fortifications;

128,780*l.* for Works, Buildings, &c.;



|                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                        |    |
|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 679,091 <i>l.</i> for Barracks;                                                               | eighty Pounds, to defray the Charge of Civil Buildings at home and abroad, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Six hundred                                                                                                    | 5  |
| 8,003,010 <i>l.</i> for other Army Services, viz.:                                            | seventy-nine thousand and ninety-one Pounds, to defray the Charge of Barracks at home and abroad, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding                                                                                         | 10 |
| 3,681,027 <i>l.</i> for Forces in U.K. and Stations abroad (except East Indies);              | Eight million and three thousand and ten Pounds, for defraying all the other Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three million six hundred eighty-one thousand and twenty-seven Pounds, to defray the Charge of the Pay and Allowances of Her Majesty's Land                                                                                              | 15 |
| 615,661 <i>l.</i> for Miscellaneous Charges at home and abroad (except India);                | Forces at home and abroad, exclusive of India, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding                                                                                                                                            | 20 |
| 150,000 <i>l.</i> for embodied Militia;                                                       | Six hundred fifteen thousand six hundred and sixty-one Pounds, to defray the Charge of the Miscellaneous Charges of Her Majesty's Land Forces at home and abroad, exclusive of India, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding     | 25 |
| 88,000 <i>l.</i> for Volunteer Corps;                                                         | One hundred and fifty thousand Pounds, to defray the Charge of the embodied Militia of Great Britain and Ireland, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding                                                                         | 30 |
| 182,977 <i>l.</i> for Salaries, &c. of War Departments;                                       | Eighty-eight thousand Pounds, to defray the Charge of Volunteer Corps in Great Britain, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding                                                                                                   | 35 |
| 349,000 <i>l.</i> for Manufacturing Departments, Military Storekeepers, Barrack Masters, &c.; | One hundred eighty-two thousand nine hundred and seventy-seven Pounds, to defray the Charge of the Departments of the Secretary of State for War, and of the General Commanding in Chief, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding | 40 |
|                                                                                               | Three hundred and forty-nine thousand                                                                                                                                                                                                                                                                                                                                                                                                  | 45 |

- thousand Pounds, to defray the Charge of the Manufacturing Departments, Military Storekeepers, Barrack Masters, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand
- 5 eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One hundred seventy-three thousand two hundred and eighty-seven Pounds, to defray the Charge of the educational and scientific Branches, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to
- 10 the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Twenty-five thousand three hundred and thirty Pounds, to defray the Charge of the Rewards for Military Service, which will come in course of Payment from the First Day of April One thousand eight
- 15 hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Fifty-nine thousand five hundred and eleven Pounds, to defray the Charge of the Pay of General Officers, which will come in course of Payment from the First Day of April
- 20 One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Five hundred thirty-one thousand two hundred and seven Pounds, to defray the Charge of the Pay of reduced and retired Officers, which will come in course of
- 25 Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Two hundred and eight thousand one hundred and thirty-two Pounds, to defray the Charge of Pensions to Widows of Officers, and of Allowances on the Compassionate List, which will come in course of Payment from the First Day of April One thousand eight
- 30 hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding Fifty-one thousand two hundred and forty-
- 35 three Pounds, to defray the Charge of Pensions, Gratuities, and Allowances to Officers for Wounds, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money
- 40 not exceeding Thirty-one thousand three hundred and seventy-two Pounds, to defray the Charge of Chelsea and Kilmainham Hospitals, and the In-Pensioners thereof, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred
- 45 and fifty-nine inclusive; and any Sum or Sums of Money not exceeding One million two hundred and two thousand eight hundred
- [224.] B and

173,287*l.* for  
Educational  
and Scientific  
Branches;

25,330*l.* for  
Rewards for  
Military  
Service;

59,511*l.* for  
Pay of General  
Officers;

531,207*l.* for  
Reduced and  
Retired  
Officers;

208,132*l.* for  
Pensions to  
Widows, and  
Compassionate  
List, &c.;

51,243*l.* for  
Pensions, Gra-  
tuities, &c. to  
wounded  
Officers;

31,372*l.* for  
In-Pensioners  
of Chelsea and  
Kilmainham  
Hospitals;

1,202,863*l.* for  
Out-Pensioners  
of Chelsea  
Hospital, &c.;

and sixty-three Pounds, to defray the Charge of the Out-Pensioners of Chelsea Hospital, &c., which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or Sums of Money not exceeding 5  
 One hundred thirty thousand four hundred and ten Pounds, to defray the Charge of Superannuation and Retired Allowances, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and fifty-nine inclusive; and any Sum or 10  
 Sums of Money not exceeding Ninety thousand Pounds, to defray the Charge for the Surveys of the United Kingdom, and for the Topographical Department, which will come in course of Payment from the First Day of April One thousand eight hundred and fifty-eight to the Thirty-first Day of March One thousand eight hundred and 15  
 fifty-nine inclusive; and any Sum or Sums of Money not exceeding Four hundred and thirty-two thousand nine hundred and ninety Pounds, towards defraying the Charge of the Disembodied Militia of Great Britain and Ireland, which will come in course of Payment in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine. 20

130,410*l.* for  
Superannua-  
tion and Re-  
tired Allow-  
ances;

90,000*l.* for  
Surveys and  
Topographical  
Department;

432,990*l.* for  
Disembodied  
Militia.

20,911,500*l.*  
for Exchequer  
Bills.

XIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Twenty million nine hundred and eleven thousand five hundred Pounds, to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and fifty-eight unprovided for. 25

2,000,000*l.* for  
Exchequer  
Bonds.

XV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two Millions, to pay off and discharge Exchequer Bonds payable on the Eighth Day of May One thousand eight hundred and fifty-eight. 30

100,000*l.* for  
Civil Con-  
tingencies.

XVI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Charge of Civil Contingencies to the Thirty-first Day of March One thousand eight hundred and fifty-nine. 35

#### REVENUE DEPARTMENTS.

2,026,031*l.* for  
Post Office, &c.;

XVII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two million and twenty-six thousand and thirty-one Pounds, to 40  
 defray the Charges for Post Office Services, and the Collection of the Revenue, which will come in course of Payment during the Year  
 ending



- ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One million three hundred and sixty-two thousand two hundred and fifty-eight Pounds, to defray the Salaries and Expenses of the Inland Revenue Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four hundred and eighty-five thousand five hundred and seventy-five Pounds, to defray the Charge for Superannuations and Compensation Allowances, Pensions, and other non-effective Charges, in the Departments of Customs, Inland Revenue, and Post Office, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eight hundred forty-nine thousand two hundred and eighty-five Pounds, to defray the Salaries and Expenses of the Customs Department, which will come in course of Payment during the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine.

1,362,258*l.* for Inland Revenue Department;

485,575*l.* for Superannuations, &c., Customs, Inland Revenue, and Post Office;

849,285*l.* for Customs Department.

CIVIL SERVICES.—*Class 1.*

CIVIL SERVICES,  
*Class 1.*

- 20 XVIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Forty-six thousand two hundred and nineteen Pounds, for the Maintenance and Repair of the Royal Palaces to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred and ten thousand six hundred and fifty-one Pounds, to defray the Expense of Maintenance and Repair of Public Buildings, for providing the necessary Supply of Water for the same, for Rents of Houses for the temporary Accommodation of Public Departments, and Charges attendant thereon, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand nine hundred and twenty-six Pounds, to defray the Charge for the Supply and Repair of Furniture in the various Public Departments to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Ninety-nine thousand six hundred and sixty-seven Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, &c., and other Charges connected therewith; and any Sum or Sums of Money not exceeding One hundred sixty thousand seven hundred and ninety-three Pounds, to defray the Charge for Works and Expenses at the New Houses of Parliament to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum

There shall be issued 46,219*l.* for Repair of Royal Palaces;

110,651*l.* for Maintenance, &c. of Public Buildings, temporary Accommodation, &c.;

26,926*l.* for Furniture for Public Departments;

99,667*l.* for Repair of Royal Parks, &c.;

160,793*l.* for New Houses of Parliament;

|                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| 30,300 <i>l.</i> for Addition to War Office;                                        | or Sums of Money not exceeding Thirty thousand three hundred Pounds, for the Purchase, fitting up, and furnishing. Three Houses in Pall Mall as an Addition to the War Office; and any Sum or Sums of Money not exceeding Thirty-one thousand Pounds, to provide Premises in London and the Country for the Probate Court and District Registries; and any Sum or Sums of Money not exceeding Four thousand seven hundred and seven Pounds, to defray the Expense of Maintenance and Repairs to Embassy Houses, &c. abroad to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred and seventy thousand Pounds, towards defraying the Expense of constructing certain Harbours of Refuge to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-one thousand Pounds, on account of the Works at the new Packet Harbour and Harbour of Refuge at Holyhead, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand and forty-nine Pounds, to defray the Expense of the Pay of the Establishment and the necessary Works at Port Patrick Harbour to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixty thousand six hundred and fifty-one Pounds, to defray the Expense of erecting, repairing, and maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eighteen thousand five hundred and six Pounds, to defray the Expense of the Works and Establishment of Kingstown Harbour to the Thirty-first Day of March One thousand eight hundred and fifty-nine. | 5<br>10<br>15<br>20<br>25<br>30 |
| 31,000 <i>l.</i> for Probate Court and District Registries;                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
| 4,707 <i>l.</i> for Embassy Houses, &c. abroad;                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
| 170,000 <i>l.</i> for Harbours of Refuge;                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
| 21,000 <i>l.</i> for Holyhead Harbour;                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
| 1,049 <i>l.</i> for Port Patrick Harbour;                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
| 60,651 <i>l.</i> for Public Buildings in the Department of Public Works in Ireland; |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |
| 18,506 <i>l.</i> for Kingstown Harbour.                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                 |

CIVIL SERVICES.  
*Class 2.*

CIVIL SERVICES.—*Class 2.*

|                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| There shall be issued 88,107 <i>l.</i> for Salaries, &c. of Houses of Parliament; | XIX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Eighty-eight thousand one hundred and seven Pounds, to pay the Salaries and Expenses in the Offices of the Two Houses of Parliament, and Allowances to retired Officers, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty-four thousand Pounds, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and ninety-nine Pounds, to pay the Salaries and Expenses of the Office of Her Majesty's Secretary of State for the Home Department to the Thirty-first Day of March One thousand eight hundred and fifty-nine; | 35<br>40<br>45 |
| 54,000 <i>l.</i> for the Treasury;                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |
| 24,799 <i>l.</i> for the Home Department;                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                |

- nine; and any Sum or Sums of Money not exceeding Seventy-six thousand nine hundred Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and extra Couriers attached  
 5 to that Department, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-nine thousand one hundred and thirty-four Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies to the Thirty-first Day of March  
 10 One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixty-seven thousand eight hundred and forty-seven Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, including the Railway and Marine Depart-  
 15 ments, and the Registrar of Merchant Seamen, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand seven hundred and twenty Pounds, to pay the Salary of the Lord Privy Seal, and the Expenses of his Establishment to the Thirty-first Day of  
 20 March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five thousand two hundred and twenty-three Pounds, to defray the Expense of conducting the Business of the Civil Service Commission to the Thirty-first Day of  
 March One thousand eight hundred and fifty-nine; and any Sum or  
 25 Sums of Money not exceeding Seventeen thousand one hundred and ninety-eight Pounds, to defray the Salaries and Expenses in the Department of Her Majesty's Paymaster General to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand two hundred and  
 30 fifty-five Pounds, to pay the Salaries and Expenses in the Department of the Comptroller General of the Exchequer to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand five hundred and seventy-five Pounds, to pay the Salaries and Expenses of  
 35 the Office of the Commissioners of Her Majesty's Works and Public Buildings to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-two thousand nine hundred and eighty-nine Pounds, to pay the Salaries and Expenses of the Office of Woods, Forests,  
 40 and Land Revenues to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-one thousand and nine Pounds, to pay the Salaries and Expenses of the Department of Public Records, including the State Paper Office, to the Thirty-first Day of March One thousand  
 45 eight hundred and fifty-nine; and any Sum or Sums of Money not

76,900*l.* for the Foreign Department;

29,134*l.* for Department of Colonies;

67,847*l.* for Privy Council, Railway and Marine Departments, &c.;

2,720*l.* for Establishment of Lord Privy Seal, &c.;

5,223*l.* for Civil Service Commission;

17,198*l.* for Paymaster General's Department;

6,255*l.* for Department of Comp. Gen. of Exchequer;

26,575*l.* for Office of Commissioners of Works and Public Buildings;

22,989*l.* for Office of Woods, Forests, &c.;

21,009*l.* for Public Records Department and State Paper Office;



|                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 216,060 <i>l.</i> for Administration of Poor Laws;                             | exceeding Two hundred sixteen thousand and sixty Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-six thousand six hundred and thirty-nine Pounds, 5                                                                 |
| 36,639 <i>l.</i> for the Mint;                                                 | to defray the Charge of the Establishment of the Mint, including Expenses of the Coinage, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-two thousand and ten Pounds, to pay the Salaries and Expenses of the Inspectors of Factories, Mines, &c., to 10                                                         |
| 22,010 <i>l.</i> for Salaries, &c. of Inspectors of Factories, &c.;            | the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand two hundred and fifty-one Pounds, to pay the Salaries of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other 15                                                             |
| 6,251 <i>l.</i> for Civil Charges, &c., Scotland;                              | Charges, formerly paid from the Hereditary Revenue, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand four hundred and thirty-one Pounds, to defray the Charge of Salaries for the Officers and Attendants of the Household of the Lord Lieutenant of Ireland 20                                              |
| 6,431 <i>l.</i> for Officers, &c. of Lord Lieutenant of Ireland;               | to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifteen thousand eight hundred and four Pounds, to pay the Salaries and Expenses of the Offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London to the Thirty-first Day of March 25                                                        |
| 15,804 <i>l.</i> for Chief Secretary, &c., Ireland;                            | One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven thousand one hundred and nineteen Pounds, to defray the Charge of the Department of the Paymaster of Civil Services in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of 30                                                                |
| 7,119 <i>l.</i> for Paymaster of Civil Services, Ireland;                      | Money not exceeding Two thousand six hundred and thirteen Pounds, to defray the Salaries and Expenses of the Office of the Inspectors of Lunatic Asylums in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of 35                                                                                                                       |
| 2,613 <i>l.</i> for Inspectors of Lunatic Asylums, Ireland;                    | Money not exceeding Twenty-two thousand six hundred and fifteen Pounds, to pay the Salaries and Expenses of the Board of Public Works in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-five thousand seven hundred and sixty-eight Pounds, to pay the Salaries and Expenses in the Department of the 40 |
| 22,615 <i>l.</i> for Board of Public Works, Ireland;                           | Commissioners for auditing the Public Accounts to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventeen thousand eight hundred and seventy-nine Pounds, to defray the Expense of the Copyhold, Inclosure and Tithe Commission to the Thirty-first Day of 45                                                             |
| 35,768 <i>l.</i> for Department of Commissioners for auditing Public Accounts; | March                                                                                                                                                                                                                                                                                                                                                                                           |
| 17,879 <i>l.</i> for Copyhold, &c. Commission;                                 |                                                                                                                                                                                                                                                                                                                                                                                                 |

|    |                                                                                                                                                                                                                                                                                                                                       |                                                                               |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
|    | March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twelve thousand three hundred and thirty Pounds, to pay the Imprest Expenses under the Inclosure and Drainage Acts of the Copyhold Inclosure and Tithe Commission to                                                                      | 12,330 <i>l.</i> for Imprest Expenses of Copyhold, &c. Commission;            |
| 5  | the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-eight thousand eight hundred Pounds, to pay the Salaries and Expenses in the Department of the General Register Office, England and Wales, to the Thirty-first Day of March One thousand eight hundred and | 38,800 <i>l.</i> for General Register Office, England and Wales;              |
| 10 | fifty-nine; and any Sum or Sums of Money not exceeding Three thousand three hundred and ten Pounds, to pay the Salaries and Expenses in the Department of the General Register Office, Dublin, to the Thirty-first Day of March One thousand eight hundred and                                                                        | 3,310 <i>l.</i> for General Register Office, Dublin;                          |
| 15 | fifty-nine; and any Sum or Sums of Money not exceeding Five thousand six hundred and fifty-two Pounds, to pay the Salaries and                                                                                                                                                                                                        | 5,652 <i>l.</i> for Department of Registrar General of Births, &c. Edinburgh; |
| 20 | Expenses in the Department of the Registrar General of Births, &c., Edinburgh, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fourteen thousand three hundred and fifty-five Pounds, to pay the                                                               | 14,355 <i>l.</i> for National Debt Office;                                    |
| 25 | Salaries and Expenses in the National Debt Office, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand eight hundred Pounds, to defray the Salaries and Expenses of the Establishment under the Public Works Loan Commissioners to the Thirty-        | 2,800 <i>l.</i> for Public Works Loan Commission;                             |
| 30 | first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand seven hundred and seventy Pounds, to defray the Expenses of the Establishment under the West India Islands Relief Commissioners to the                                                                          | 1,770 <i>l.</i> for West India Islands Relief Commission;                     |
| 35 | Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine thousand eight hundred and twenty Pounds, to pay the contingent Expenses of the Office of the Commissioners in Lunacy in England, and the Salaries and Expenses of the Board of Lunacy in Scotland, to the       | 9,820 <i>l.</i> for Lunacy Commission;                                        |
| 40 | Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand two hundred and twenty-three Pounds, to defray the Salary and Expenses of the General Superintendent of County Roads in South Wales to the Thirty-first Day of March One thousand eight hundred and      | 1,223 <i>l.</i> for General Superintendent of County Roads in South Wales;    |
| 45 | fifty-nine; and any Sum or Sums of Money not exceeding Two thousand one hundred and three Pounds, to pay the Salaries and Expenses in the Department of the Registrars of Friendly Societies in England, Scotland, and Ireland to the Thirty-first Day of March                                                                       | 2,103 <i>l.</i> for Registrars of Friendly Societies;                         |
|    | One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-two thousand Pounds, to defray the                                                                                                                                                                                                       | 32,000 <i>l.</i> for Foreign and other Secret Services;                       |
|    | Charge of Her Majesty's Foreign and other secret Services to the                                                                                                                                                                                                                                                                      |                                                                               |



401,357*l.* for  
Stationery, &c.  
for Public  
Departments;

123,100*l.* for  
Postage of  
Letters on the  
Public Service.

Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four hundred and one thousand three hundred and fifty-seven Pounds, to defray the Expense of Stationery, Printing, and Binding, for the several Public Departments, and for Printing, &c. for the Two Houses of Parliament, 5 including the Expense of the Stationery Office, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred twenty-three thousand one hundred Pounds, to defray the Charge for Postage of Letters on the Public Service in the several Departments to the 10 Thirty-first Day of March One thousand eight hundred and fifty-nine.

CIVIL SERVICES.  
*Class 3.*

CIVIL SERVICES.—*Class 3.*

There shall be  
issued 46,375*l.*  
for Office of  
Solicitor to  
the Treasury,  
including Pro-  
secutions relat-  
ing to Coin, &c.

150,000*l.* for  
Prosecutions at  
Assizes and  
Quarter  
Sessions;

214,200*l.* for  
Police in  
Counties and  
Boroughs in  
England and  
Wales;

200*l.* for  
Crown Office,  
Chancery;

1,500*l.* for  
Crown Office,  
Queen's Bench;

14,419*l.* for  
Expenses in-  
curred by  
Sheriffs and  
Deficiency of  
Fees in the  
Exchequer;  
5,940*l.* for  
Department of  
Registrar of the  
Admiralty;

XX. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not 15 exceeding Forty-six thousand three hundred and seventy-five Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, including Prosecutions relating to Coin, also the Salary and Allowance of Counsel for advising the Treasury on Matters relating 20 to the Slave Trade, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred and fifty thousand Pounds, to defray to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expenses of Prosecutions at Assizes and Quarter Sessions, for- 25 merly paid out of County Rates, including Salaries in lieu of Fees to Clerks of Assize and other Officers under the Criminal Justice Act; and any Sum or Sums of Money not exceeding Two hundred fourteen thousand two hundred Pounds, to defray certain Charges connected with the Police in Counties and Boroughs in England and 30 Wales, and for Police in Scotland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred Pounds, towards defraying the Expenses of the Crown Office, Chancery, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or 35 Sums of Money not exceeding One thousand five hundred Pounds, towards defraying the Expenses of the Crown Office, Queen's Bench, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fourteen thousand four hundred and nineteen Pounds, to defray, to the Thirty- 40 first Day of March One thousand eight hundred and fifty-nine, the Expenses incurred by Sheriffs, and the Deficiency of the Fees in the Office of the Queen's Remembrancer in the Exchequer; and any Sum or Sums of Money not exceeding Five thousand nine hundred and 45

forty



- forty Pounds, to defray the Salaries and Expenses in the Department of the Registrar of the Admiralty, and the Expenses of the Admiralty Court, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding
- 5 Six thousand eight hundred and twenty-six Pounds, to defray the Salaries of the Commissioners and other Officers, and the Expenses of the Insolvent Debtors' Court, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-five thousand one hundred and sixty-
- 10 two Pounds, to defray the Salaries and Expenses of the Court of Probate and Divorce and Matrimonial Causes to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred fifty-seven thousand and fifty Pounds, to defray the Salaries and Expenses of the
- 15 County Courts to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-five thousand four hundred and twenty-eight Pounds, to defray the Expenses of the Police Courts of the Metropolis to the Thirty-first Day of March One thousand eight hundred and fifty-
- 20 nine; and any Sum or Sums of Money not exceeding One hundred twenty-eight thousand six hundred and seven Pounds, towards defraying the Expenses of the Metropolitan Police to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand four hundred
- 25 and ninety-five Pounds, to defray the Salaries and Expenses of the Queen's Prison to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand three hundred and forty-two Pounds, to defray the Salaries of the Lord Advocate and of the Solicitor General,
- 30 Scotland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eighteen thousand five hundred and seventy-seven Pounds, to defray the Salaries and Expenses of the Court of Session in Scotland to the Thirty-first Day of March One thousand eight hundred and
- 35 fifty-nine; and any Sum or Sums of Money not exceeding Eleven thousand two hundred and sixty-one Pounds, to defray the Salaries and Expenses of the Court of Justiciary in Scotland to the Thirty first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five thousand five hundred and
- 40 fifty Pounds, to defray the Expenses of Criminal Prosecutions carried on under the Authority of the Lord Advocate to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand eight hundred and sixty Pounds, to defray the Salaries and Expenses of the legal Branch of
- 45 the Exchequer in Scotland to the Thirty-first Day of March One thou-

6,826*l.* for  
Insolvent  
Debtors' Court;

35,162*l.* for  
Court of Pro-  
bate, &c.

157,050*l.* for  
Treasurers of  
County Courts;

25,428*l.* for  
Police Courts of  
the Metropolis;

128,607*l.* for  
Metropolitan  
Police;

3,495*l.* for  
Queen's Prison;

3,342*l.* for  
Lord Advocate  
and Solicitor  
General, Scot-  
land;

18,577*l.* for  
Salaries, Court  
of Session,  
Scotland;

11,261*l.* for  
Court of  
Justiciary,  
Scotland;

5,550*l.* for  
Criminal Pro-  
secutions by  
Lord Advocate;

1,860*l.* for cer-  
tain Officers in  
the Exchequer  
in Scotland;

25,000*l.* for  
Criminal Pro-  
secutions, &c.  
in Scotland;

11,955*l.* for  
Procurators  
Fiscal in Scot-  
land;

13,110*l.* for  
Sheriffs' Clerks,  
Scotland;

2,250*l.* for  
Salaries of Law  
Officers in  
Scotland;

15,118*l.* for  
General Re-  
gister House,  
Edinburgh;

1,124*l.* for  
Department of  
Commissary  
Clerk, Edin-  
burgh;

1,675*l.* for  
Department of  
Accountant in  
Bankruptcy,  
Scotland;

26,620*l.* for  
Criminal Pro-  
secutions,  
Ireland;

3,726*l.* for  
Court of  
Chancery,  
Ireland;

2,599*l.* for  
Court of  
Queen's Bench,  
Ireland;

sand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Charge of Sheriffs and Stewards, including Procurators Fiscal not paid by Salaries, and the Expenses of Criminal Prosecutions, &c. in 5  
Sheriff Courts in Scotland; and any Sum or Sums of Money not exceeding Eleven thousand nine hundred and fifty-five Pounds, to defray the Salaries of such of the Procurators Fiscal in Scotland as are no longer paid by Fees to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of 10  
Money not exceeding Thirteen thousand one hundred and ten Pounds, to defray the Salaries of such of the Sheriff Clerks, Scotland, as are not chargeable on the Revenues of Customs and Excise to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thou- 15  
sand two hundred and fifty Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Salary of the Solicitor of the Crown, and Expenses in Matters of Tithes, and the Expenses of the Agent of the Officers of State in main-  
taining Rights of the Crown in Civil Actions, &c. in Scotland; 20  
and any Sum or Sums of Money not exceeding Fifteen thousand one hundred and eighteen Pounds, to defray the Salaries and Expenses of the several Offices in Her Majesty's General Register House, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceed- 25  
ing One thousand one hundred and twenty-four Pounds, to defray the Salaries and Expenses in the Department of the Commissary Clerk, Edinburgh, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand six hundred and seventy-five Pounds, to 30  
defray the Salaries and Expenses in the Department of the Accountant in Bankruptcy in Scotland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand six hundred and twenty Pounds, to defray the Expense of Criminal Prosecutions 35  
and other Law Charges in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand seven hundred and twenty-six Pounds, to defray the Salaries and Expenses of certain Officers of the Court of Chancery in Ireland formerly charged on the Conso- 40  
lidated Fund to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand five hundred and ninety-nine Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Queen's Bench in Ireland to the Thirty-first Day of 45  
March



- March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand four hundred and eighty Pounds, to defray the Salaries of certain Officers and the incidental Expenses of the Court of Common Pleas in Ireland to 3,480*l.* for Court of Common Pleas, Ireland;
- 5 the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand nine hundred and seventy-five Pounds, to defray the Salaries of certain Officers, and the incidental Expenses of the Court of Exchequer in Ireland, to the Thirty-first Day of March One thousand eight hundred 3,975*l.* for Court of Exchequer, Ireland;
- 10 and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred Pounds, to defray the Salary of the Clerk to the Taxing Officers for the Three Law Courts, Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five thousand eight hundred 200*l.* for Clerk to Taxing Officers for Law Courts, Ireland;
- 15 and fifty Pounds, to defray the Salaries of the Registrars to the Judges in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand three hundred and forty-eight Pounds, to defray certain Salaries and the incidental Expenses in the Office for 5,850*l.* for Registrars to Judges, Ireland;
- 20 the Registration of Judgments in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine thousand five hundred and forty-six Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Salaries of the Judges and Officers, 2,348*l.* for Office for Registration of Judgments in Ireland;
- 25 and the incidental Expenses of the Court of Bankruptcy and Insolvency in Ireland, and the Compensations awarded under the Act of the Twentieth and Twenty-first Years of Her Majesty, Chapter Sixty; and any Sum or Sums of Money not exceeding Eight thousand eight hundred and seventy-two Pounds, to defray the Salaries 9,546*l.* for Salaries, &c. of Insolvent Debtors' Court, Ireland;
- 30 of the Court of Probate in Ireland, and the Expenses of the said Court, and of the District Registries, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eight hundred and thirty Pounds, for Remuneration to Revising Barristers in the City of Dublin to the Thirty-first 8,872*l.* for Court of Probate, &c., Ireland;
- 35 Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred and sixty-seven Pounds, to defray the Salary of the Clerk to the Court of Errors in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding 830*l.* for Revising Barristers, Dublin;
- 40 One thousand six hundred Pounds, to defray the Salaries of the Police Justices of Dublin Metropolis to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirty-six thousand five hundred Pounds, towards defraying the Expense of the Divisional Police Courts and 267*l.* for Salary of Clerk to Court of Errors, Ireland;
- 45 the Metropolitan Police, Dublin, to the Thirty-first Day of March 1,600*l.* for Salaries of Police Justices, Dublin;
- 36,500*l.* for Metropolitan Police, Dublin;



664,287*l.* for  
Constabulary  
Force, Ireland;

2,583*l.* for  
Four Courts,  
Marshalsea,  
Dublin ;

17,703*l.* for  
General Super-  
intendence of  
Prisons, &c. ;

380,756*l.* for  
Government  
Prisons and  
Convict Estab-  
lishments at  
home ;

140,023*l.* for  
Maintenance of  
Prisoners and  
Removal of  
Convicts ;

24,715*l.* for  
Transportation  
of Convicts ;

225,968*l.* for  
Convict Estab-  
lishments in  
the Colonies.

One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding Six hundred sixty-four thousand two hundred and eighty-seven Pounds, to defray the Expense of the Constabulary Force in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of 5 Money not exceeding Two thousand five hundred and eighty-three Pounds, to defray the Expenses of the Four Courts, Marshalsea Prison, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred and three Pounds, to defray the 10 Charge of Inspection and general Superintendence over all the Prisons in the United Kingdom, to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding Three hundred eighty thousand seven hundred and fifty-six Pounds, to defray the Charge of Government 15 Prisons and Convict Establishments at home to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding One hundred forty thousand and twenty-three Pounds, to defray the Expense of the Maintenance of Prisoners in County Gaols, Reformatory Institu- 20 tions, and Lunatic Asylums, and the Expenses of the Removal of Convicts, to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceed- ing Twenty-four thousand seven hundred and fifteen Pounds, to defray Expenses connected with the Transportation of Convicts, &c., 25 to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding Two hundred twenty-five thousand nine hundred and sixty-eight Pounds, to defray the Expense of the Convict Establishments in the Colonies to the Thirty-first Day of March One thousand eight hundred and 30 fifty-nine.

CIVIL SERVICES.  
*Class 4.*

There shall  
be issued  
79,275*l.* for  
Salaries and  
Expenses of  
British  
Museum ;

26,887*l.* for  
new Buildings,  
&c. at British  
Museum ;

5,000*l.* for  
Purchases for  
British  
Museum ;

CIVIL SERVICES.—*Class 4.*

XXI. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seventy-nine thousand two hundred and seventy-five 35 Pounds, to defray the Salaries and Expenses of the British Museum Establishment to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding Twenty-six thousand eight hundred and eighty-seven Pounds, to defray the Expense of new Buildings and Fittings at the British 40 Museum to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding Five thousand Pounds, to enable the Trustees of the British Museum to defray

- defray the Expenses incurred for the Purchase of Objects for the Museum; and any Sum or Sums of Money not exceeding Six hundred sixty-three thousand four hundred and thirty-five Pounds, to defray the Charge for Public Education in Great Britain to the
- 5 Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eighty-three thousand seven hundred and thirty Pounds, to defray the Expenses of the General Management of the Department of Science and Art, of the Schools throughout the Kingdom in connexion with the Department, and of the Geological Surveys of Great Britain and Ireland, &c.
- 10 to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two hundred and twenty-three thousand Pounds, to defray the Charge for Public Education in Ireland, under the Charge of the Commissioners
- 15 of National Education in Ireland, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six hundred and eighty Pounds, to pay the Salary of the Secretary and the Expenses of the Office of the Commissioners of Education in Ireland to the Thirty-first Day of March One
- 20 thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand six hundred and fifty-four Pounds, towards defraying the Expenses of the University of London to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven
- 25 thousand five hundred and ten Pounds, to pay Grants to Scottish Universities, formerly defrayed from the Hereditary Revenues of the Crown, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand
- 30 three hundred and twenty-three Pounds, to defray the Expenses of the Queen's University in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four thousand eight hundred Pounds, to defray certain Expenses of the Queen's Colleges in Ireland to the
- Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five hundred
- 35 Pounds, towards defraying the Expense of the Royal Irish Academy to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal Hibernian Academy to the Thirty-first Day of March One thousand eight
- 40 hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, to pay the Salaries of the Theological Professors and the incidental Expenses of the General Assembly's College at Belfast, and Retired Allowances to Professors
- 45 of the Belfast Academical Institution, to the Thirty-first Day of March

663,435*l.* for Public Education in Great Britain;

83,730*l.* for Department of Science and Art, and Geological Surveys;

223,000*l.* for Education, Ireland, &c.;

680*l.* for Salary of Secretary to Commissioners of Education, Ireland, &c.;

3,654*l.* for London University;

7,510*l.* for Grants to Scottish Universities;

2,323*l.* for Queen's University, Ireland;

4,800*l.* for Queen's Colleges, Ireland;

500*l.* for Royal Irish Academy;

300*l.* for Royal Hibernian Academy;

2,500*l.* for Royal Belfast Academical Institution, &c.



|                                                         |                                                                                                                                                                                                                                                                                                                                                                                                     |    |
|---------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 16,174 <i>l.</i> for<br>National<br>Gallery;            | One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixteen thousand one hundred and seventy-four Pounds, to defray the Expenses of the National Gallery, including the Purchase of Pictures, to the Thirty-first Day of March                                                                                                                                    |    |
| 5,039 <i>l.</i> for<br>Magnetic Ob-<br>servatories,&c.; | One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five thousand and thirty-nine Pounds, to defray the Expense of Magnetic Observations abroad, including the Superintendent's Establishment at Woolwich, also for Observations and Services under the Direction of the Astronomer Royal, and for Meteorological Observations at Sea, to the Thirty-first Day of | 5  |
| 500 <i>l.</i> for Royal<br>Geographical<br>Society;     | March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Five hundred Pounds, to enable the Royal Geographical Society to provide Accommodation for their Meetings, &c. to the Thirty-first Day of March One thousand eight                                                                                                                                      | 10 |
| 1,000 <i>l.</i> for<br>Royal Society.                   | hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand Pounds, to enable the Royal Society (in the Year ending the Thirty-first Day of March One thousand eight hundred                                                                                                                                                                                                    | 15 |
|                                                         | and fifty-nine) to carry on certain Experiments for public Objects.                                                                                                                                                                                                                                                                                                                                 |    |

CIVIL SERVICES.  
*Class 5.*CIVIL SERVICES.—*Class 5.*

|                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| There shall be<br>issued 4050 <i>l.</i><br>for Civil Estab-<br>lishment of<br>the Bermudas;                      | XXII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Four thousand and fifty Pounds, towards defraying the Charge of the Civil Establishment of the Bermudas to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand eight hundred and seventy-eight Pounds, to defray the Charge of the Ecclesiastical Establishment of the British North American Provinces to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand three hundred and eighty-eight Pounds, to defray the Charge of the Indian Department in Canada to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-four thousand seven hundred and twenty-eight Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in the West Indies and certain other Colonies to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty thousand five hundred and fifty Pounds, to defray the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the West India Colonies and the Mauritius to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Ten thousand two hundred and thirty Pounds, towards defraying the Charge of the Civil Establishments | 20 |
| 6,878 <i>l.</i> for<br>Ecclesiastical<br>Establishment,<br>British N.A.<br>Provinces;                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 25 |
| 3,888 <i>l.</i> for<br>Indian Depart-<br>ment in Canada;                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 30 |
| 24,728 <i>l.</i> for<br>Salaries of<br>Governors, &c.<br>of West India<br>Colonies, &c.;                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 35 |
| 20,550 <i>l.</i> for<br>Salaries, &c. of<br>Stipendiary<br>Justices in<br>W.I. Colonies<br>and the<br>Mauritius; |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 40 |
| 10,230 <i>l.</i> for<br>Civil Estab-<br>lishments on<br>the Western<br>Coast of<br>Africa;                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |    |



- ments on the Western Coast of Africa to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven thousand two hundred and sixty-two Pounds, to defray Charges connected with the Island of Saint Helena
- 5 to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine hundred and sixty Pounds, to defray the Charge of Heligoland to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four thousand three hundred
- 10 and seventy-six Pounds, towards defraying the Charge of the Falkland Islands to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six thousand and twenty-one Pounds, towards defraying the Charge of Labuan to the Thirty-first Day of March One thousand
- 15 eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray certain Charges connected with the Colony of Hong Kong to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven thousand nine hundred and
- 20 fourteen Pounds, to make good former Advances from the Treasury Chest to the Colony of Western Australia, to supply Deficiencies in the Colonial Resources; and any Sum or Sums of Money not exceeding Twelve thousand eight hundred and twenty-eight Pounds to defray the Charge of the Emigration Board, and of the Emigration
- 25 Officers at the different Ports of this Kingdom, also to defray certain Expenses connected with Emigration, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eleven thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred
- 30 and fifty-nine, Expenses incurred for the Support of captured Negroes and liberated Africans, and other Charges under the Acts for the Abolition of the Slave Trade; and any Sum or Sums of Money not exceeding One hundred eighty-seven thousand five hundred and twenty-seven Pounds, to defray the Expense of the Consular Establishments abroad to the Thirty-first Day of March
- 35 One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Forty thousand Pounds, for the Extraordinary Disbursements of Her Majesty's Embassies and Missions abroad to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding
- 40 Eleven thousand and fifty Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Salaries and Expenses of the Mixed Commissions established under the Treaties with Foreign Powers for suppressing the Traffic in Slaves.

7,262*l.* for  
St. Helena;960*l.* for  
Heligoland;4,376*l.* for  
Falkland  
Islands;6,021*l.* for  
Labuan;10,000*l.* for  
Kong Kong;7,914*l.* for  
Western Aus-  
tralia;12,828*l.* for  
Emigration  
Board, &c.;11,000*l.* for  
Support of  
captured  
Negroes, &c.;187,527*l.* for  
Consular Esta-  
blishments  
abroad40,000*l.* for  
Missions  
abroad;11,050*l.* for  
Commissioners  
for suppressing  
the Slave  
Trade.

CIVIL SERVICES.  
Class 6.

There shall be issued 162,889*l.* for Superannuations, &c. to Public Officers;

## CIVIL SERVICES.—Class 6.

XXIII. Out of all or any the Aids or Supplies aforesaid there shall and may be issued or applied any Sum or Sums of Money not exceeding One hundred sixty-two thousand eight hundred and eighty-nine Pounds, to defray the Charge of Superannuation Allowances 5 and Compensations to Persons formerly employed in the Public Service to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand nine hundred and seventy-eight Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of March One 10 thousand eight hundred and fifty-nine, to Toulonese and Corsican Emigrants, Saint Domingo Sufferers, American Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Expense of the National Vaccine Establishment to the 15 Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three hundred and twenty-five Pounds, towards the Support of "The Refuge for the Destitute" to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceed- 20 ing Three thousand five hundred and fifteen Pounds, for Payment of the Subsistence of the Polish Refugees, and Allowances to distressed Spaniards, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceed- 25 ing Four thousand two hundred and eighty-one Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenues, &c., and for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding Two thousand seven hundred and seventeen Pounds, 30 to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, to the Treasurers of Public Infirmaries in Ireland, the Allowances granted under certain Acts of Parliament; and any Sum or Sums of Money not exceeding Two thousand six hundred Pounds, to defray the Expense of the Westmoreland Lock 35 Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seven hundred Pounds, towards defraying the Expense of the Rotunda Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and 40 any Sum or Sums of Money not exceeding Two hundred Pounds, towards defraying the Expense of the Coombe Lying-in Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceed-

1,978*l.* for Toulonese and Corsican Emigrants, &c.;

2,000*l.* for National Vaccine Institution;

325*l.* for "The Refuge for the Destitute;"

3,515*l.* for Polish Refugees and distressed Spaniards;

4,281*l.* for Miscellaneous Allowances;

2,717*l.* for Public Infirmaries, Ireland;

2,600*l.* for Westmoreland Lock Hospital, Dublin;

700*l.* for Rotunda Lying-in Hospital, Dublin;

200*l.* for Coombe Lying-in Hospital;

- exceeding Seven thousand six hundred Pounds, to defray the Expense of the Hospitals of the House of Industry, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand five hundred Pounds, towards defraying the Expense of the House of Recovery and Fever Hospital, Cork Street, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Six hundred Pounds, towards defraying the Expense of the Meath Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred Pounds, towards defraying the Expense of Saint Mark's Ophthalmic Hospital, Dublin, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One hundred and eighty-five Pounds, to defray the Expenses of the Board of Superintendence of Hospitals in Dublin to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine thousand three hundred and forty-one Pounds, to pay, to the Thirty-first Day of March One thousand eight hundred and fifty-nine, Charitable Allowances charged on the Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from Grants for the Lord Lieutenant's Household, Civil Contingencies, &c.; and any Sum or Sums of Money not exceeding Thirty-nine thousand four hundred Pounds, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-nine.

7,600*l.* for Hospitals, House of Industry, Dublin;  
2,500*l.* for House of Recovery, and Fever Hospital, Cork Street, Dublin;  
600*l.* for Meath Hospital, Dublin;  
100*l.* for St. Mark's Ophthalmic Hospital, Dublin;  
1,300*l.* for Dr. Steevens' Hospital, Dublin;  
285*l.* for Board of Superintendence of Hospitals, Dublin;  
9,341*l.* for Charitable Allowances, &c., Ireland;  
39,400*l.* for Protestant Dissenting Ministers, Ireland.

CIVIL SERVICES.—*Class 7.*

CIVIL SERVICES.  
*Class 7.*

- XXIV. Out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three thousand five hundred and sixty-eight Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for England to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Sixteen thousand three hundred and forty Pounds, to defray the Charge for the Salaries and Expenses of the Charity Commission for England and Wales to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum

There shall be issued  
3,568*l.* for Ecclesiastical Commissioners, England;  
16,340*l.* for Charity Commission for England and Wales;



|                                                                                                |                                                                                                                                                                                                                                                                                                                               |    |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 20,000 <i>l.</i> for Incumbered Estates Commission, Ireland;                                   | or Sums of Money not exceeding Twenty thousand Pounds, to defray the Charge for the Salaries and Expenses of the Encumbered Estates Commission, and of the proposed Court for Sale and Transfer of Land in Ireland, to the Thirty-first Day of March One thousand                                                             |    |
| 11,402 <i>l.</i> for sundry temporary Commissions;                                             | eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Eleven thousand four hundred and two Pounds, to defray the Charge for the Salaries and Expenses of sundry temporary Commissions to the Thirty-first Day of March One thousand                                                                        | 5  |
| 26,198 <i>l.</i> for Compensations, &c. payable under the Patent Law Amendment Act;            | eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Twenty-six thousand one hundred and ninety-eight Pounds, to defray the Fees, Salaries, Expenses, and Compensations payable under the Provisions of the Patent Law Amendment Act to the Thirty-first Day of March One thousand eight hundred and      | 10 |
| 13,822 <i>l.</i> for Board of Fisheries, Scotland;                                             | fifty-nine; and any Sum or Sums of Money not exceeding Thirteen thousand eight hundred and twenty-two Pounds, to pay the Salaries and Expenses of the Board of Fisheries in Scotland to the Thirty-first                                                                                                                      | 15 |
| 2,000 <i>l.</i> for Annuity to Board of Manufactures, Scotland;                                | Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray, to the Thirty-first Day of March One thousand eight hundred and                                                                                                                            |    |
| 5,000 <i>l.</i> for Commissioners of Highland Roads and Bridges;                               | fifty-nine, the Charge on account of the Annuity to the Board of Manufactures in Scotland, in discharge of Equivalents under the Treaty of Union; and any Sum or Sums of Money not exceeding                                                                                                                                  | 20 |
| 2,000 <i>l.</i> for Bounties on Slaves and Slave Vessels captured;                             | Five thousand Pounds, on account of the Commissioners of Highland Roads and Bridges, to the Thirty-first Day of March One thousand                                                                                                                                                                                            |    |
| 900 <i>l.</i> for Publication of Ancient Laws of Ireland;                                      | eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand Pounds, to pay the Bounties on Slaves and the Tonnage Bounties on Slave Vessels captured to the Thirty-first                                                                                                                            | 25 |
| 9,000 <i>l.</i> for Pay of Process Servers, Ireland;                                           | Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Nine hundred Pounds, to defray the Expense of the Commission appointed to superintend the Publication of the Ancient Laws and Institutes of Ireland, and for                                                               | 30 |
| 58,900 <i>l.</i> for Pensions to Masters and Seamen, &c. under the Merchant Seamen's Fund Act; | the Publication of the Volumes of Laws and Institutes, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and                                                                                                                                                                                        |    |
| 2,084 <i>l.</i> for Registration of Joint Stock Companies;                                     | any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Expense of the Pay of the Process Servers in Ireland to the Thirty-first Day of March One thousand eight hundred and fifty-                                                                                                                        | 35 |
|                                                                                                | nine; and any Sum or Sums of Money not exceeding Fifty-eight thousand nine hundred Pounds, to defray the Charge for Pensions to Masters and Seamen of the Merchant Service, and to their Widows and Children, under the Merchant Seamen's Fund Act, and for Compensation to the late Officers of the Trustees of the Merchant | 40 |
|                                                                                                | Seamen's Fund, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand and eighty-four Pounds, to defray the Salaries and Expenses of the Office for the Registration of Joint Stock                                                              | 45 |
|                                                                                                | panies                                                                                                                                                                                                                                                                                                                        |    |

- panies to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand six hundred and ninety-three Pounds, to defray the Charge of the Salaries and Expenses in the Registration of Designs Office to
- 5 the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Fifty thousand Pounds, to defray the Charge for Payments on account of the Difference of Dues payable by British or Foreign Vessels under Treaties of Reciprocity to the Thirty-first Day of March One thousand eight
- 10 hundred and fifty-nine; and any Sum or Sums of Money not exceeding Four thousand seven hundred Pounds, to pay the Salaries of Inspectors of Corn Returns, and the Expenses defrayed by Counties for Corn Returns, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not
- 15 exceeding Twenty thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Charges on account of distressed British Seamen abroad; and any Sum or Sums of Money not exceeding Three thousand six hundred Pounds, to defray Expenses connected with Qua-
- 20 rantine Arrangements to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Seventeen thousand eight hundred and fifty Pounds, to defray the Charge for the Remuneration to Revising Barristers in England and Wales to the Thirty-first Day of March One thousand
- 25 eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Three thousand eight hundred and fifty-six Pounds, to defray the Charge for the Constabulary Police at the Military Camps of Aldershott and Shorncliffe to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of
- 30 Money not exceeding Three thousand Pounds, to defray the Expense of the Inspection of Burial Grounds in England and Wales to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand and fifty-three Pounds, to defray, in the Year ending the Thirty-first
- 35 Day of March One thousand eight hundred and fifty-nine, the Charge for the Salaries of certain Professors in the University of Cambridge; and any Sum or Sums of Money not exceeding Twenty-seven thousand one hundred Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hun-
- 40 dred and fifty-nine, the Expense of erecting and maintaining certain Lighthouses abroad; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Charge for Half Salary payable to the Officers lately
- 45 employed in the Settlement of the Orange River Territory (Cape
- [224.] D 2 of

1,693*l.* for  
Registration of  
Designs Office;

50,000*l.* for  
Payments  
under Treaties  
of Reciprocity;

4,700*l.* for  
Inspectors of  
Corn Returns,  
&c.;

20,000*l.* for  
distressed Sea-  
men abroad;

3,600*l.* for  
Expenses of  
Quarantine  
Arrangements;

17,850*l.* for  
Revising  
Barristers in  
England and  
Wales;

3,856*l.* for  
Constabulary  
Police at  
Military Camps;

3,000*l.* for  
Inspection of  
Burial Grounds  
in England and  
Wales;

1,053*l.* for  
certain  
Professors at  
Cambridge;

27,100*l.* for  
Lighthouses  
abroad;

1,000*l.* for Ar-  
rangements  
connected with  
Orange River  
Territory;

|                                                                                               |                                                                                                                                                                                                                                                                                                                                      |    |
|-----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 20,000 <i>l.</i> for promoting Civilization, &c. among Native Tribes in South Africa ;        | of Good Hope) ; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, for promoting the Improvement of the Kafirs, and the Settlement and Government of British Kaffraria, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceed-        | 5  |
| 29,940 <i>l.</i> for Expenses on account of the Treasury Chest ;                              | ing Twenty-nine thousand nine hundred and forty Pounds, to defray Expenses on account of the Treasury Chest to the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards the Formation, in the Year ending the Thirty-first Day of March One | 10 |
| 2,000 <i>l.</i> for National Portrait Gallery ;                                               | thousand eight hundred and fifty-nine, of the Gallery of Portraits of the most eminent Persons in British History ; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and                                                       | 15 |
| 2,000 <i>l.</i> for Inquiry on Cholera, West Indies ;                                         | fifty-nine, the Expenses connected with the Inquiry into the Ravages of the Cholera in the West Indies ; and any Sum or Sums of Money not exceeding One thousand six hundred Pounds, for the Expense of adjusting and defining the Boundaries of Counties, Baronies, and Parishes in Ireland in the Year ending the Thirty-first Day | 20 |
| 1,600 <i>l.</i> for defining, &c. Boundaries of Counties, &c., Ireland ;                      | of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not exceeding Three thousand one hundred Pounds, for defraying, in the Year ending the Thirty-first Day of                                                                                                                                         | 25 |
| 3,100 <i>l.</i> for Agricultural and Emigration Statistics, Ireland ;                         | March One thousand eight hundred and fifty-nine, the Cost of collecting Agricultural and Emigration Statistics in Ireland ; and any Sum or Sums of Money not exceeding Six thousand three hundred                                                                                                                                    | 30 |
| 6,318 <i>l.</i> for repaying Purchase Monies for Lands, &c. for new Public Offices, Belfast ; | and eighteen Pounds, for the Purpose of repaying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, to Civil Contingencies, the Monies advanced for the Purchase of certain Lands and Buildings adjacent to the new Public Offices at Belfast ; and any Sum or Sums of Money               | 35 |
| 15,000 <i>l.</i> for Extension of Four Courts, Dublin ;                                       | not exceeding Fifteen thousand Pounds, to enable the Commissioners of Public Works in Ireland, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, to purchase certain Ground and Houses required as a Site for a new Court or Courts of Law and Offices in Extension of the Four            | 40 |
| 5,000 <i>l.</i> for National Gallery, Dublin, and Reception of Abp. Marsh's Library, Dublin ; | Courts, Dublin ; and any Sum or Sums of Money not exceeding Five thousand Pounds, towards the Erection and Completion, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, of a National Gallery for Paintings, Sculpture, and the Fine Arts, and for the Reception of Archbishop            | 45 |
| 1,000 <i>l.</i> for Fittings for new Museum and Library, Royal Dublin Society ;               | Marsh's Public Library in Dublin ; and any Sum or Sums of Money not exceeding One thousand Pounds, towards providing Fittings for the New Museum and Library of the Royal Dublin Society, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine ; and any Sum or Sums of Money not ex-          |    |
|                                                                                               | ceeding                                                                                                                                                                                                                                                                                                                              |    |



|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | ceeding Ten thousand Pounds, towards defraying the Expense of the Erection of the Industrial Museum at Edinburgh, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Two thousand and thirty-three Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Cost of Cases and Fittings required for the Rooms in the Royal Institution, Edinburgh, appropriated as an Antiquarian Museum; and any Sum or Sums of Money not exceeding Seven thousand five hundred Pounds, towards the Erection, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, of a new Building, to contain additional Accommodation for Public Offices in connexion with Her Majesty's General Register House, Edinburgh; and any Sum or Sums of Money not exceeding Two hundred Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of additional Iron Presses for the General Repository for Public Records; and any Sum or Sums of Money not exceeding Six thousand Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of completing the Stylobate, &c. of the Nelson Column in Trafalgar Square; and any Sum or Sums of Money not exceeding Eight thousand eight hundred and thirty-six Pounds, to defray, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, Expenses in Payments to Engineers, and other Charges incurred in the Examination of a Plan and Estimate for the Main Drainage of London; and any Sum or Sums of Money not exceeding One hundred eleven thousand four hundred and twenty-nine Pounds, towards defraying the Expense of erecting a new Bridge at Westminster, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards completing, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Embankment Wall in Thames Street, for removing the dilapidated Hundred Steps, and forming a new Approach to the North Terrace, Windsor Castle, from Thames Street; and any Sum or Sums of Money not exceeding Seventy thousand Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Expense of acquiring suitable Premises in Doctors' Commons for the Court of Probate, the Principal Registry of the Court of Probate, Court of Admiralty, Registry of the Court of Admiralty, Court of Arches and Offices, and for Fittings, &c.; and any Sum or Sums of Money not exceeding Nineteen thousand two hundred and ninety- | 10,000 <i>l.</i> for Industrial Museum, Edinburgh;<br><br>2,033 <i>l.</i> for Antiquarian Museum, Royal Institution, Edinburgh;<br><br>7,500 <i>l.</i> for additional Accommodation, General Register House, Edinburgh;<br><br>200 <i>l.</i> for Iron Presses for General Record Depository;<br><br>6,000 <i>l.</i> for Completing the Nelson Column;<br><br>8,836 <i>l.</i> for Examination of Plans for Drainage of London;<br><br>111,429 <i>l.</i> for Westminster Bridge;<br><br>1,500 <i>l.</i> for Embankment, Approach to Castle, &c. Windsor;<br><br>70,000 <i>l.</i> for Premises in Doctors' Commons.<br><br>19,296 <i>l.</i> for British Embassy House at Paris; |
| 5  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 10 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 15 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 20 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 25 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 30 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 35 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 40 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 45 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

|                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13,000 <i>l.</i> for<br>Consular<br>Offices, &c. at<br>Constantinople;                                                              | six Pounds, for the Repairs and Restoration of the British Embassy House at Paris, and for additional Fittings and Furniture, to the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding Thirteen thousand Pounds, towards defraying, in the Year ending the Thirty-first Day 5              |
| 1,092 <i>l.</i> for<br>Purchase of<br>old Gun Metal<br>for Statues, &c.                                                             | of March, One thousand eight hundred and fifty-nine, the Expense of enlarging and completing the new Consular Offices, the British Seamen's Hospital, with Surgeon's House, &c., and the Prison at Constantinople; and any Sum or Sums of Money not exceeding One thousand and ninety-two Pounds, for the Purchase, in 10                                |
| 3,000 <i>l.</i> for<br>History of the<br>Euphrates Ex-<br>pedition, by<br>General Ches-<br>ney;                                     | the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, of old Gun Metal to be employed in the Construction of a Statue of the late Sir Henry Havelock, and of a Monument to be erected at Woolwich to the Memory of Officers and Men of the Royal Artillery who fell during the late War 15                            |
| 5,000 <i>l.</i> for<br>Newhaven<br>Harbour,<br>Sussex;                                                                              | with Russia; and any Sum or Sums of Money not exceeding Three thousand Pounds, to enable Her Majesty to contribute, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, towards reimbursing the Losses sustained by Major General Chesney in connexion with the Printing and Publication of 20                   |
| 1,500 <i>l.</i> for ex-<br>ploring British<br>North America;                                                                        | the First Two Volumes of his "History of the Euphrates Expedition," and for his Labour in preparing Material for the Completion of the Work; and any Sum or Sums of Money not exceeding Five thousand Pounds, in aid of the Improvements to be carried out by the Trustees of Newhaven Harbour (Sussex) in the 25                                        |
| 6,479 <i>l.</i> for<br>General Board<br>of Health;                                                                                  | Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying, in the Year ending the Thirty-first Day of March One thousand eight hundred and fifty-nine, the Cost of an Expedition for the 30                                    |
| 20,000 <i>l.</i> for<br>Wellington<br>Monument.                                                                                     | Purpose of exploring the Region of British North America which lies along the Parallels of Forty-nine and Fifty-three Degrees North Latitude, and from One hundred to One hundred and fifteen Degrees West Longitude; and any Sum or Sums of Money not exceeding Six thousand four hundred and seventy-nine Pounds, to defray the Ex- 35                 |
| Expenditure<br>for Navy and<br>Army Services<br>respectively to<br>be confined to<br>the separate<br>Services for<br>which granted. | penses of the General Board of Health to the Thirty-first Day of March One thousand eight hundred and and fifty-nine; and any Sum or Sums of Money not exceeding Twenty thousand Pounds for the Erection of a Monument to the late Duke of Wellington, in the Year ending the Thirty-first Day of March One thousand eight hundred 40<br>and fifty-nine. |

XXV. The respective Departments charged with the detailed Application of the Sums granted by this Act for Navy and Army Services shall confine the Expenditure of their respective Departments within

within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Nine million eight hundred thirty-nine thousand eight hundred and fifty-nine Pounds, granted by this Act for Naval Services; and in the Sum of Four million seven thousand seven hundred and thirty-five Pounds granted by this Act, for defraying the Charge for Wages of Artificers, Labourers, and others employed at home and abroad, and the Charge of the Supplies of Clothing, Barrack Furniture, &c., Provisions, Forage, Fuel, and Light, and the Charge of Stores for Land and Sea Service, and the Charge of Works, Buildings, and Repairs at home and abroad; and in the Sum of Eight million three thousand and ten Pounds granted by this Act, for all other Army Services: Provided always, that if the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the said aggregate Sums granted by this Act for Naval Services or for Army Services, the Department in which such Necessity shall have arisen shall represent the Circumstance which may have led to it in Writing to the Commissioners of Her Majesty's Treasury; and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being signified by the Commissioners of Her Majesty's Treasury, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Nine million eight hundred thirty-nine thousand eight hundred and fifty-nine Pounds granted by this Act for Naval Services, or the aggregate Sum of Twelve million ten thousand seven hundred and forty-five Pounds for the respective Army Services specified, shall not be exceeded: Provided also, that there shall be laid before the House of Commons, with the Navy and Army Estimates for each Year, a Statement showing all Cases in which the Naval and Military Departments shall have obtained the Sanction of the Commissioners of Her Majesty's Treasury to any Alteration in the Sums appropriated to the respective Votes aforesaid, during the Year ended on the Thirty-first Day of December of the preceding Year, together with Copies of the Representations made to the Commissioners of Her Majesty's Treasury by the said Departments.

Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

XXVI. And as to the Sum of Three hundred and ninety thousand Pounds, being the Proportion of the Sum of Five hundred thirty-one thousand two hundred and seven Pounds by this Act appropriated to the Pay of Reduced and Retired Officers which is applicable to the Half Pay of Officers of Her Majesty's Forces, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same

Rules to be observed in the Application of the Sum appropriating Half Pay.



without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary-at-War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, have held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed  
Three

- Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary-at-War as aforesaid, to issue, on or before the Twenty-fourth Day of
- 5 December One thousand eight hundred and fifty-eight, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration
- 10 the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary-at-War; but no Person who, after the Twenty-eighth Day of July One thousand eight hundred and
- 15 twenty-eight, has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or
- 20 Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Secretary of State for War, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any
- 25 Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia, or to the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private
- 30 serving in the General or Local Militia, or in any Corps of Yeomanry or Volunteers, in Great Britain or Ireland, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and
- 35 by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry or Volunteers: Provided always, that from and after the First Day of January One thousand eight hundred and fifty-nine it
- 40 shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officer appointed to Civil Place or Employment of Profit under Her Majesty or any other Government, since the Twenty-eighth Day of July One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, through the Secretary-at-

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.



An Account of  
the Number of  
Officers so  
receiving Half  
Pay to be laid  
before Parlia-  
ment annually.

War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year on or before the First Day of April, if Parliament be then sitting, or, if Parliament shall not then be sitting, on the First Day of the sitting of Parliament after the First Day of 5 April, of the Number of Officers who are allowed to receive their Half Pay with Civil Emoluments, specifying the Names of such Officers, with the respective Amounts of their Half Pay, and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been 10 allowed subsequent to preceding Accounts.

Treasury may  
authorize Mili-  
tary Officers  
in Civil Em-  
ployments to  
receive Half  
Pay in certain  
Cases.

XXVII. It shall be lawful for the Commissioners of Her Majesty's Treasury to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the 15 Colonies or elsewhere in Civil Situations of Responsibility with small Emoluments will be conducive to Economy, and thereby beneficial to the Public Service, and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employ- ment shall signify the same in his Declaration, specifying the Office, and 20 the Authority under which he is so allowed to receive his Half Pay.

Half Pay  
Allowances to  
Chaplains of  
Regiments not  
holding Eccle-  
siastical Bene-  
fices derived  
from the  
Crown.

XXVIII. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same 25 were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown, and that they should be entitled to receive the Arrears of 30 Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed upon Half Pay, shall have been refused or been unable to receive such Half Pay in any Year in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears 35 of such Half Pay for such Year, upon making and subscribing a Declaration before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty, 40 and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

XXIX. And



XXIX. And as to the Sum of Two hundred and eight thousand one hundred and thirty-two Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces, and for defraying the

5 Charge of Allowances on the Compassionate List as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing

10 a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Widows, &c.  
claiming Pen-  
sions to make  
required  
Declaration.

XXX. Any such Declaration shall and may be made and sub-

scribed before any One or more of Her Majesty's Justices of the

15 Peace, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures specified in an Act passed in the Fifth and Sixth Years of

20 His late Majesty for the Abolition of unnecessary Oaths.

Declaratio  
be made as  
specified in  
5 & 6 W. 4.  
c. 62.

Consolidated Fund  
(Appropriation).

---

A

B I L L

To apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-eight, and to appropriate the Supplies granted in this Session of Parliament.

(Prepared and brought in by  
Mr. FitzRoy, the Chancellor of the Exchequer,  
and Mr. Hamilton.)

---

---

Ordered, by The House of Commons, to be Printed,  
19 July 1858.

---

---

[Bill 224.]  
Under 5 oz.

10 February 1858. 21 VICT.



A

B I L L

TO

Amend the Law relating to Conspiracy to murder.

**W**HEREAS it is expedient to amend the Law relating to the Crimes of Conspiracy and Incitement to murder: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the *passing of this Act*—

Preamble.

I. Any Person who shall, within the United Kingdom of Great Britain and Ireland, or the Islands of Jersey, Guernsey, Alderney, Sark, and Man, conspire with any other Person or Persons, being either within or without the said United Kingdom and the said Islands, to commit Murder, either within or without the Dominions of Her Majesty, shall be guilty of Felony, and being convicted thereof shall be liable to be sentenced to Penal Servitude for Life, or for any Term not less than *Five Years*, or to Imprisonment, with or without Hard Labour, for any Term not exceeding *Three Years*.

Any Person conspiring with others to commit Murder, either within or without Her Majesty's Dominions, guilty of Felony.

II. Any Person who shall, within the said United Kingdom or the said Islands of Jersey, Guernsey, Alderney, Sark, and Man, incite, instigate, or solicit any other Person, being either within or without the said United Kingdom and Islands, to commit Murder, either within or without

Any Person inciting another Person to commit Murder, either within or without

[Bill 15.]



Her Majesty's Dominions, guilty of Felony.

within or without Her Majesty's Dominions, shall be guilty of Felony, and shall be liable, upon Conviction thereof, to be sentenced to Penal Servitude for Life, or for any Term not less than *Five Years*, or to Imprisonment, with or without Hard Labour, for any Term not exceeding *Three Years*.

5

Persons charged with a Felony under this Act may be apprehended, &c. in any Part of the United Kingdom.

III. Any Person charged within the United Kingdom with a Felony, under the Provisions of this Act, may be apprehended, tried, and punished, and otherwise dealt with, in all respects, in any County or Place within the United Kingdom in which he may be found, in the same Manner as if the Felony with which he is charged had been committed in such County or Place.

10

What shall be deemed "Murder" under this Act.

IV. In any Proceeding under this Act in which the Murder shall be alleged to have been intended to be committed in any Foreign Country, the Word "Murder" shall be construed to mean the killing of any Person, whether a Subject of Her Majesty or not, under such Circumstances as would, if the Person were so killed in the said United Kingdom, make such killing Murder by the Laws of the said United Kingdom.

15

Repealing so much of Act 10 G. 4. c. 34. as relates to Conspiracies and Solicitations to murder.

V. So much of an Act passed in the Tenth Year of the Reign of George the Fourth, intituled "An Act for consolidating and amending the Statutes in Ireland relating to Offences against the Person," as relates to Conspiracies and Solicitations to murder, is hereby repealed.

20



# Conspiracy to murder.

---

A

## B I L L

TO

Amend the Law relating to Conspiracy  
to murder.

(Prepared and brought in by  
Viscount Palmerston, Sir George Grey,  
Mr. Attorney General, and Mr. Solicitor General.)

---

*Ordered, by The House of Commons, to be Printed,  
10 February 1858.*

---

[Bill 15.]

*Under 1 oz.*



12 July 1858. 21 & 22 VICT.



A

# B I L L

TO

Continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

**W**HEREAS under an Act of the Session holden in the Preamble.  
 Fourteenth and Fifteenth Years of Her Majesty (Chapter 14 & 15 Vict.  
 Fifty-three), “to consolidate and continue the Copyhold <sup>c. 53.</sup>  
 “and Inclosure Commissions, and to provide for the Completion of  
 5 “Proceedings under the Tithe Commutation Acts,” certain Powers  
 of appointing Commissioners and other Officers as therein mentioned  
 were limited to continue for Two Years next after the Day of the  
 passing of that Act, and thenceforth until the End of the then next  
 Session of Parliament, and no Commissioner or other Officer or  
 10 Person appointed or continued under that Act was to hold his Office  
 for a longer Period than Two Years next after the Day of the passing  
 of that Act, and thenceforth until the End of the then next Session  
 of Parliament: And whereas by certain Acts, and ultimately by an  
 Act of the Session holden in the Twentieth Year of Her Majesty, 20 Vict. c. 8.  
 15 Chapter Eight, the said Powers of appointing Commissioners and  
 other Officers have been continued, and the Period limited for the  
 holding of Office under the said first-mentioned Act has been extended  
 [Bill 201.] until

Powers of  
Appoint-  
ment of Com-  
missioners  
&c. under  
14 & 15 Vict.  
c. 53. con-  
tinued.

until the First Day of August One thousand eight hundred and fifty-seven, and thenceforth until the End of the then next Session of Parliament: And whereas it is expedient that the said Powers of the said first-mentioned Act should be continued, and that the said Period thereby limited should be extended as herein-after mentioned: 5  
Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: The Powers of appointing Commissioners and other Officers limited to continue as aforesaid by 10  
the said Act of the Fourteenth and Fifteenth Years of Her Majesty shall be further continued until the *First Day of August One thousand eight hundred and fifty-nine, and thenceforth until the End of the then next Session of Parliament*, and the Period limited for the holding of Office under the said Act shall in like Manner be extended until 15  
the said *First Day of August One thousand eight hundred and fifty-nine, and thenceforth until the End of the then next Session of Parliament*.





# Copyhold and Inclosure Commissions, &c.

---

A

## B I L L

To continue Appointments under the  
Act for consolidating the Copyholds  
and Inclosure Commissions, and for  
completing Proceedings under the  
Tithe Commutation Acts.

(*Prepared and brought in by*  
*Mr. Hardy and Mr. Secretary Walpole.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*12 July 1858.*

---

[Bill 201.]  
*Under 1 oz.*

## Copyhold Acts Amendment Bill.

---

### ARRANGEMENT OF CLAUSES.

---

- Preamble.
- Commencement of Act; Sect. 1.
- Repeal of Acts, &c.; 2.
- Saving of Acts done, Rights vested, &c.; 3.
- Ecclesiastical Manors where Tenant has not Right of Renewal excepted from Acts; 4.
- Application of Consideration Moneys where Enfranchisements might have been effected under 14 & 15 Vict. c. 104. Appropriation of Enfranchisement Moneys in Cases of Ecclesiastical Manors; 5.
- Mode of effecting compulsory Enfranchisement; 6.
- Extension of Time for Appointments, &c.; 7.
- Commissioners to review Valuations; 8.
- Award of Enfranchisement; 9.
- Corn Rentcharge to be calculated as Tithe Rentcharge; 10.
- Receipts for Consideration Money, &c. to be produced; 11.
- In case of Refusal by Lord; 12.
- Commissioners to decide Questions as to Right to Admissions, &c.; 13.
- Owners of enfranchised Lands may use the Soil for Purposes connected with the Enjoyment of the Surface; 14.
- Enfranchisement Money may be paid to Trustees for Corporations; 15.
- Commencement of Enfranchisement; 16.
- Notice to Reversioners; 17.
- Notice to be given to the Ecclesiastical Commissioners in Cases wherein they are interested; 18.
- Notices, how to be given; 19.
- Consideration Money may be charged on Land; 20.
- Value of Land given as Enfranchisement Consideration may be charged; 21.
- Lords may charge Purchase Moneys; 22.
- Expenses may be charged; 23.
- How Consideration Moneys may be charged; 24.
- Certain Expenses may be charged as Consideration Money; 25.
- Charge for Expenses not to exceed Fifteen Years; 26.
- Commissioners may in certain Cases grant Certificates of Charge for Expenses; 27.

[Bill 111.]

a

Certificate

- Certificate of Charge ; 28.
  - Certificate transferable ; 29.
  - Lord's Charge to be appurtenant to the Manor ; 30.
  - Stamp Duty ; 31.
  - Priority of Charge ; 32.
  - Charges not to merge ; 33.
  - Sums charged how to be recovered ; 34.
  - Form of Certificate of Charge ; 35.
  - Form of Transfer of Certificate ; 36.
  - Owner of Two Thirds in undivided Shares to be Tenant ; 37.
  - Arbitration in case of Difference as to Terms of Enfranchisement in other Crown Manors ; 38.
  - Provision as to Enfranchisements in Manors belonging to the Crown in remainder, &c. ; 39.
  - Provision as to Payment of Compensation for such Enfranchisements ; 40.
  - Application of such Enfranchisement Money ; 41.
  - Land to be purchased with Enfranchisement Money to be settled to same Uses as Manor may stand limited to ; 42.
  - As to Execution of Enfranchisement Deed ; 43.
  - Record of such Enfranchisements to be preserved in Office of Land Revenue Records ; 44.
  - The Commissioners of Woods to indemnify Trustee for the Crown ; 45.
  - The Commissioners of the Treasury to direct what Fees shall be taken for Enrolment of Memorials, &c. ; 46.
  - Provision as to Manors held in Joint Tenancy with the Crown ; 47.
  - Act to be Part of the Copyhold Acts ; 48.
-



7 June 1858. 21 VICT.



A

# B I L L

TO

## Amend the Copyhold Acts.

**W**HEREAS it is expedient to repeal certain Provisions of Preamble.  
“ the Copyhold Acts,” and to make further and other 4 & 5 Vict.  
Provisions for the Commutation of Manorial Rights in c. 35.  
respect of Lands of Copyhold and Customary Tenure, and in respect 6 & 7 Vict.  
5 of other Lands subject to such Rights, and for facilitating the c. 23.  
Enfranchisement of such Lands, and for the Improvement of such 7 & 8 Vict.  
Tenure: Be it therefore enacted by the Queen’s most Excellent c. 55.  
Majesty, by and with the Advice and Consent of the Lords Spiritual 15 & 16 Vict.  
and Temporal, and Commons, in this present Parliament assembled, c. 51.  
10 and by the Authority of the same, as follows: 16 & 17 Vict.  
c. 57.

I. This Act shall come into operation on the *First Day of January* Commence-  
*One thousand eight hundred and fifty-nine.* ment of Act.

II. The following Acts and Sections and Parts of Sections of  
“ the Copyhold Acts ” are hereby repealed ; that is to say,  
15 The whole of the Act of the Sixteenth and Seventeenth of Victoria, Repeal of  
Chapter Fifty-seven, intituled “ An Act to explain and amend 16 & 17 Vict.  
the Copyhold Acts : ” c. 57.  
So much of the Eleventh Section of “ The Copyhold Act, 1841,” 4 & 5 Vict.  
as follows after the Words “ substituted in the Place of such c. 35. s. 11.  
20 “ Lord, Tenant, or other Person : ”  
[Bill 111.] A The

15 & 16 Vict.  
c. 51. s. 2.

15 & 16 Vict.  
c. 51. s. 11.

The whole of the Second Section of "The Copyhold Act, 1852:"

The whole of the Eleventh Section of "The Copyhold Act, 1852:"

All the Provisions of the Copyhold Acts which authorize Commutations by Schedule of Apportionment, and also all the Provisions which authorize Commutations by a Schedule to be prepared by the Steward, and also all the Provisions which authorize Enfranchisement by Schedule of Apportionment, and also all the Provisions which authorize the charging of Enfranchisement or Compensation Moneys or the Expenses of Commutations or Enfranchisements upon Land, are hereby repealed. 5 10

Saving of  
Acts done,  
Rights  
vested, &c.

III. This Repeal shall not affect any Commutations or Enfranchisements or Charges already effected, or any Rights or Remedies attaching thereto, or any Acts done in pursuance of the Act or Provisions hereby specifically repealed, or Rights or Remedies vested by or resulting therefrom. 15

Ecclesiastical Manors, where Tenant has not Right of Renewal, excepted from Acts.

Application of Consideration Moneys in Cases where Enfranchisements might have been effected under the 14 & 15 Vict. c. 104.

IV. The Copyhold Acts shall not extend to any Manors belonging, either in possession or reversion, to any Ecclesiastical Corporation, or to the Ecclesiastical Commissioners for England, where the Tenant hath not a Right of Renewal.

V. Whenever it shall appear to the Copyhold Commissioners that an Enfranchisement under the Copyhold Acts is one which might have been effected under the Provisions of the Act of the Fourteenth and Fifteenth of Her Majesty, Chapter One hundred and four, intituled "An Act to facilitate the Management and Improvement of "Episcopal and Capitular Estates in England," so long as that Act or any Act for continuing the same shall be in force, the Moneys or Rentcharges which form the Consideration of such Enfranchisement shall be paid and applied to the same Account and in the same Manner as if such Enfranchisement had been effected under the said Act of the Fourteenth and Fifteenth of Her Majesty; and all the Provisions of the said last-mentioned Act which affect the Application of Enfranchisement Moneys under that Act shall be applicable to such Enfranchisements as aforesaid, made under the Provisions of the Copyhold Acts; and the Church Estates Commissioners and Ecclesiastical Commissioners shall respectively have the same Powers over such Consideration Moneys, or the Interest accruing thereon, or upon Land, Rentcharges, or Securities acquired in respect of such Enfranchisements, and also over or against any Ecclesiastical Corporation interested therein, as such Commissioners respectively would have had if such Enfranchisement had been effected with the Consent of the Church Estates Commissioners, and under the Provisions of the said Act of the Fourteenth and Fifteenth of Her Majesty or any Act continuing the same: But where any Ecclesiastical Corporation within the Meaning 20 25 30 35 40

Appropriation of En-

Meaning of the said last-mentioned Act; or the said Ecclesiastical Commissioners have only a Reversionary Interest in the Manorial Rights extinguished by Enfranchisement, the Consideration for such Enfranchisement shall be dealt with in the Manner directed by the

5 Thirty-ninth Section of "The Copyhold Act, 1852," until the Time when the said Reversionary Interest in the same Manorial Rights would, if the same had not been extinguished, have come into possession, when the said Consideration, or any Government Securities in which it may have been invested, shall, upon Petition to the Court of

10 Chancery, be paid or transferred to the said Church Estates Commissioners, who shall be considered the Parties become absolutely entitled to such Money, to be dealt with as if they had come into possession thereof in consequence of an Enfranchisement effected under the said Act of the Fourteenth and Fifteenth of Her Majesty.

franchise-  
ment Moneys  
in Cases  
of Eccle-  
siastical  
Manors

15 VI. When any Lord or Tenant shall, under the Provisions of the Copyhold Act, 1852, or of this Act, require the Enfranchisement of any Land held of a Manor, he shall give Notice in Writing (the Lord or his Steward to the Tenant, or the Tenant to the Lord or his Steward,) of his Desire that such Land shall be enfranchised; and the

20 Consideration to be paid to the Lord for such Enfranchisement shall, unless the Parties agree about the same, be ascertained under the Directions of the Copyhold Commissioners, and upon a Valuation to be made in the Manner following; that is to say,

Mode of  
effecting  
compulsory  
Enfranchise-  
ments.

Where the Manorial Rights to be compensated shall consist only

25 of Heriots, Rents, Fines certain, and Licences at fixed Rates to demise or fell Timber, or any of these, or where the Land to be enfranchised shall not be rated to the Poor's Rate at a greater Amount than Twenty Pounds, then the Valuation shall be made by a Valuer to be nominated by the Commissioners, subject,

30 however, to this Proviso, that if the Parties agree to recommend to the Commissioners any Person to be the Valuer, such Person shall be nominated by the Commissioners:

But when the Manorial Rights to be compensated do not consist only of Rents and Heriots and Fines certain, or the Land to be

35 enfranchised is rated to the Poor's Rate at a greater Amount than Twenty Pounds, then the Valuation shall, unless the Parties agree to refer it to One Valuer, be made by Two Valuers, One to be appointed by the Lord, and the other by the Tenant; and such Two Valuers, before they proceed, shall appoint an

40 Umpire, to whom any Points in dispute between them shall be referred; and in case the Valuer or Valuers or Umpire, as the Case may be, shall not make a Decision and deliver the Particulars thereof in Writing to the Lord or the Steward and to the Tenant, and to the Copyhold Commissioners, within *Forty-two*

45 Days after the Appointment of such Valuers, or Reference of

Compulsory  
Enfranchise-  
ments.



When Commissioners shall fix Consideration.

the Matter to the Umpire, as the Case may be, then the Commissioners shall fix the Consideration to be paid or rendered to the Lord; and in any Case where, after Notice to the Lord or to the Steward or to the Tenant so to do, either Party shall neglect or refuse, for *Twenty-eight* Days, to appoint his Valuer, 5 the Commissioners shall appoint a Valuer for him as soon as may be after the Expiration of such *Twenty-eight* Days; and in any Case where any Valuers shall, for the Space of *Fourteen* Days after the Appointment, be unable to agree in the Appointment of an Umpire, the Commissioners shall appoint an Umpire. 10

Extension of Time for Appointments, &c.

VII. The Commissioners may, by an Order under Seal, extend the Time within which this Act directs that any Valuer be appointed, or any Act to be done by such Valuer be performed.

Commissioners to review Valuations.

VIII. Valuations may be remitted by the Commissioners to the Valuer or Umpire by whom they were respectively made, and such 15 Valuer or Umpire shall thereupon reconsider the same, and may, if he shall see fit, amend the Valuation.

Award of Enfranchisement.

IX. After the Valuation has been made, or upon the Receipt of the Agreement of the Parties, the Commissioners, having made such Inquiries concerning the Circumstances of the Case as to them shall 20 seem fit, and having duly considered the Applications made to them by the Parties, may frame an Award of Enfranchisement in the Terms of the Valuation, and in such Form as they shall provide, and may confirm the same; and such confirmed Award shall have the same Force and Validity for all Purposes of Enfranchisement or other- 25 wise as a Deed of Enfranchisement now has under the Provisions of the Copyhold Acts, or would have had under any Provision of the Copyhold Acts which is by this Act repealed; and for all Purposes of declaring the Amount, Nature, and Particulars of the Compensation, and for attaching thereto the Remedies provided by the Copyhold 30 Acts, the said confirmed Award shall have the same Force and Validity as an Award made by Valuers or an Umpire under the Provisions of the Copyhold Acts.

Corn Rent-charges to be calculated as Tithe Rent-charges. 4 & 5 Vict. c. 35. s. 36.

X. Whenever a Rentcharge hereafter granted under the Provisions of the Copyhold Acts shall be a Rentcharge varying with the 35 Price of Corn, such Rentcharge shall not be calculated in the Manner now directed by the Copyhold Acts, but shall be calculated upon the same Averages and variable in the same Manner as a Tithe Commutation Rentcharge; but this Amendment shall apply only to Corn Rentcharges hereafter to be imposed, and not to any 40 already existing under the Authority of the Copyhold Acts, but these last-named Corn Rentcharges shall retain their former Character and Incidents.

XI. The

XI. The Commissioners shall not confirm any Award of Enfranchisement where the Consideration is a gross Sum of Money immediately payable, or Land, until the Receipt of the Person entitled to receive the Consideration or Compensation Money has been produced to them, or the Conveyance of the Land has been confirmed by them.

Receipts for Consideration Money, &c. to be produced.

XII. If the Lord refuse to receive the Enfranchisement Money it shall be dealt with as is provided in Cases where the Lord is only entitled for a limited Estate.

In case of Refusal by Lord.

XIII. When any Question shall arise as to the Necessity of or Right to any Admission, or the Fines or Fees payable in respect thereof, or as to whether Land is capable of being dealt with under this Act, the same shall be heard and decided by the Commissioners, upon such Requisition and subject to such Appeal as is required and given by the Copyhold Acts in Cases now within the Provisions of the Eighth Section of "The Copyhold Act, 1852."

Commissioners to decide Questions as to Right to Admissions, &c.

XIV. After Enfranchisement, whether under the voluntary or compulsory Proceedings of "the Copyhold Acts," the Owner of the Lands so enfranchised shall, notwithstanding any Reservation of Mines or Minerals in the said Acts or in any Instrument of Enfranchisement contained, have full Power and Right to disturb or remove the Soil so far as may be necessary or convenient for the Purposes of making Roads or Drains or erecting Buildings or obtaining Water, or for digging Stone or Brick or other Earth to be used upon the Land enfranchised, or for any other Purposes necessary or convenient to the full Enjoyment, Improvement, or Cultivation of the Land enfranchised.

Owners of enfranchised Lands may use the Soil for Purposes connected with the Enjoyment of the Surface.

XV. In the Case of a Corporation Lord of the Manor not authorized to make an absolute Sale otherwise than under the Provisions of the Copyhold Acts, Enfranchisement Moneys may be paid into the Hands either of the official Trustees of Charitable Funds acting under "The Charitable Trusts Amendment Act, 1855," or, where the Money to be paid for the Use of such Corporation does not exceed Two hundred Pounds, at the Option of the Corporation, into the Hands of Trustees to be nominated by the Commissioners, by Order under Seal, in the same Manner as in other Cases already provided for by the Copyhold Acts; and the Money shall be applied by the Trustees, with the Consent of the Commissioners, to the Purposes to which Enfranchisement Money paid into the Bank of England in the Name of the Accountant General is directed by this Act to be applied; and upon every Vacancy in the Office of such Trustee,

Enfranchisement Money may be paid to Trustees for Corporations.

Appropriation thereof.

or in case any such Trustee should be desirous of resigning or should become incapable of acting, some other Person shall be appointed by the Commissioners in like Manner.

Commence-  
ment of  
Enfranchise-  
ment.

XVI. The Commencement of every Commutation or Enfranchisement, and of any Rentcharge, may be fixed by the Memorandum of Confirmation of the Instrument of Commutation or Enfranchisement, or, in default of being so fixed, it shall take place on the Day of Confirmation; but the Commissioners shall have Power to fix the Day whence the half-yearly Payments of the Rentcharge shall commence to be calculated, at any Period not more than *Six Months* posterior to the Day fixed for the Commencement of the Commutation or Enfranchisement; and the Portion of Rentcharge which shall accrue between the Day of the Commencement of the Commutation or Enfranchisement and the Day fixed by the Commissioners as the Day whence the half-yearly Payments of the Rentcharge shall commence to be calculated shall be paid and recoverable in like Manner as any after-accruing half-yearly Sum is payable or recoverable.

Notice to  
Reversion-  
ers.

XVII. When the Copyhold Acts require that Notice in Writing be given to the Person entitled to the next Estate of Inheritance in remainder or reversion in the Manor or Land to be affected by a Commutation or Enfranchisement; so that the Assent or Dissent or Acquiescence of any Person entitled in remainder or reversion may be stated in Writing to the Commissioners when the Application for voluntary Enfranchisement by Award or the Instrument of Commutation or Enfranchisement is sent to them, the Commissioners may, if they shall see fit, by an Order under Seal, dispense with such Notice in all Cases where, after reasonable Inquiry has been made, the Person entitled to the next Estate of Inheritance in remainder or reversion cannot be discovered.

Notice to be  
given to the  
Ecclesiasti-  
cal Commis-  
sioners in  
Cases  
wherein they  
are inte-  
rested.

XVIII. Where any Land proposed to be enfranchised under this Act shall be held of a Manor belonging either in possession or reversion to an Ecclesiastical Corporation within the Meaning of the Act of the Fourteenth and Fifteenth Years of Her Majesty's Reign, Chapter One hundred and four, the Ecclesiastical Commissioners for England shall have Notice of such Proceedings, and shall have the same Power of expressing Assent to or Dissent from such Proceedings as is by this Act directed with respect to Persons entitled to the next Estate of Inheritance in reversion or remainder, and the Provisions of the Copyhold Acts respecting such Notices (other than and except the Power of the said Copyhold Commissioners to dispense with Notice), and all Proceedings thereon (except as otherwise by this Act is provided), shall be applicable to such Cases.

XIX. Where



XIX. Where Notice or other Writing is by this Act required to be given to any designated Person or Party, it may be given either by sending it by the Post in a registered Letter to or by leaving it at the Office or usual Place of Abode of such Person, and all Notices  
 5 required to be given by the Commissioners or any Valuer (the Mode of giving which is not particularly directed) may be in the Name either of the Person giving the Notice or of any Person authorized by the Commissioners to give Notices, and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters  
 10 and Things to which such respective Notices may relate.

Notices how to be given.

XX. Whenever by the Copyhold Acts Power is given or an Obligation attaches to any Person to pay Money as Consideration or Compensation for Commutation or Enfranchisement, it shall be lawful for such Person, with the Consent of the Commissioners, to charge  
 15 upon the Land commuted or enfranchised the Sum of Money paid.

Consideration Money, &c. may be charged on Land.

XXI. Whenever Land is conveyed as Consideration or Compensation for Commutation or Enfranchisement, and the Person conveying the same was absolute Owner of the Land so conveyed, it shall be lawful for such Person, with the Consent of the Commissioners, to  
 20 charge upon the Land commuted or enfranchised such reasonable Sum as in the Judgment of the Commissioners may be equivalent in Value to the Land so conveyed.

Value of Land given as Enfranchisement Consideration may be charged.

XXII. Where Power is by the Copyhold Acts given to the Lord to purchase the Tenant's Interest in Land, he shall have the same  
 25 Right to charge the Land purchased, and also the Manor and any Land settled therewith to the same Uses, as a Tenant has under this Act to charge Enfranchisement Moneys.

Lord's may charge Purchase Moneys.

XXIII. Any Expenses incurred in Proceedings under the Copyhold Acts may be charged upon the Manor or upon the Land com-  
 30 muted or enfranchised, or upon both, according as the Obligations to pay may attach, or Expenses payable by the Lord may be paid out of the Compensation or Consideration Money, or be charged upon the Rentcharge or other Consideration or Compensation for Commutation or Enfranchisement.

Expenses may be charged.

XXIV. Any Charge under this Act in respect of Consideration or of Compensation Money, or of Purchase Money, or of the Value of Land conveyed, may, when the Parties so agree, and the Commis-  
 35 sioners approve, be made for a Principal Sum and Interest, or for a Series of periodical Payments, which, at the Termination thereof at  
 40 the Period specified, shall leave the Manor or Land discharged.

How Consideration Moneys, &c. may be charged.

Certain  
Expenses  
may be  
charged as  
Considera-  
tion Money.

XXV. Whenever by the Provisions of the Copyhold Acts any Lord or Tenant is authorized to raise Money upon Charge, or to purchase or convey any Land, and to charge the Principal or the Purchase Money or the Value upon a Manor or Land, then the Expenses incurred about the raising of such Money upon Charge, or 5 incurred about the Purchase, or Purchase and Conveyance, shall (but as distinct from the general Expenses of Commutation or Enfranchisement) be considered for all Purposes or Effects of charging as Part of the Principal Purchase Money or Value to be charged.

Charge for  
Expenses  
not to ex-  
ceed Fifteen  
Years.

XXVI. All other Charges in respect of Expenses of Proceedings 10 under the Copyhold Acts (except the Expenses of a Purchase by a Lord) shall be for such Period as the Parties may agree and the Commissioners may approve, not exceeding *Fifteen* Years, and at such Interest as stated in the Certificate of Charge.

Commission-  
ers may in  
certain Cases  
grant Cer-  
tificates of  
Charge for  
Expenses.

XXVII. If by reason of Disputes as to Title or other Circum- 15 stances it shall appear to the Commissioners to be uncertain upon what Person the Order to pay Costs or Expenses should be made, the Commissioners may, if they shall so see fit, grant to the Person entitled to receive Payment of such Costs or Expenses a Certificate of Charge upon the Manor or Land in respect of which such Costs or 20 Expenses were incurred, which shall operate in all respects as other Certificates of Charge under this Act.

Certificate  
of Charge.

XXVIII. Every Charge under this Act shall be made by a Certi-  
ficate under Seal of the Commissioners, to be called a Certificate of  
Charge; and if such Charge shall be a Series of periodical Payments 25  
which, at the Termination thereof at a Period specified, shall leave  
the Manor or Land discharged, such Series shall be specified in the  
Certificate; but if the Charge shall be a Principal Sum bearing Inter-  
est, and repayable at or before a certain future Date, or after a  
certain Notice, then such Certificate shall specify the whole Amount 30  
of Principal Money to be charged, and shall contain a Proviso  
declaring that such Certificate shall be void on Payment of the  
Amount thereby secured, with any Arrears of Interest due thereon,  
at a Time therein appointed, or at the Expiration of an ascertained  
Notice; and such Certificate shall state whether the Charge was 35  
made in respect of Costs or Expenses, or in respect of Consideration  
or Compensation Money, and may specify any Place, to be agreed  
upon between the Parties, as the Place of Payment of the Principal  
Money and Interest charged by such Certificate; and the Manor  
or Land charged thereby may be described by Reference to the  
Enfranchisement Proceedings under the Copyhold Acts, or otherwise, 40  
as the Commissioners may see fit.

XXIX. Every

XXIX. Every Certificate and the Charge thereby made shall be transferable by Endorsement on such Certificate. Certificate transferable.

XXX. Whenever a Lord of limited Interest shall be entitled to a Certificate of Charge in respect of Enfranchisement Money left chargeable upon the Land enfranchised, the Charge shall remain 5 appendant and appurtenant to the Manor (but not so as to be incapable of being severed therefrom, or to be affected by the Extinction thereof); and the Certificate of Charge shall state that the Lord to whom such Certificate is issued has only a limited Interest in 10 such Charge, or it may purport to be issued to the Lord for the Time being of the Manor; and either of such Statements in such Certificate shall be Notice to all Persons of the limited Interest in such Charge which may pass by Transfer of such Certificate.

15 XXXI. *Every Award of Enfranchisement, Certificate of Charge, and Transfer thereof, issued or made under this Act, shall be chargeable with the like Stamp Duties as are chargeable in respect of Deeds of Enfranchisement, Mortgages, and Transfers of Mortgages.* Stamp Duty.

XXXII. Any Charge under this Act made in consideration of 20 the Value of Land conveyed as Consideration, or of Consideration or Compensation Money, or of Purchase Money, or of the Expenses of Purchase and Conveyances, shall be a First Charge on such Manor or Land; and shall have Priority over all Mortgages, Charges, and Incumbrances whatsoever affecting such Manor or Land, (except Tithe Commutation Rentcharges, and any Charges or Rentcharges 25 which may have been or shall be charged upon the same Land for the Drainage thereof, by virtue of any of the Statutes in that Behalf,) notwithstanding the actual Priority in point of Date or anterior Title of such Mortgages, Charges, and Incumbrances; but any Moneys already invested or previously secured or charged thereon may be continued on the Security of the same, notwithstanding the 30 Imposition of the said Charge under this Act. Priority of Charge.

XXXIII. Any such Certificate of Charge may be taken by any Person, although he may be the Lord or Tenant or Owner of any 35 Manor or Land charged thereby; and the same shall not merge in the Freehold, unless the Owner of such Charge shall, by Indorsement upon the Certificate of Charge or otherwise, declare in Writing that it is his Will that such Charge shall merge and cease. Charge not to merge.



Sums  
charged how  
to be reco-  
vered.

Land  
charged  
with En-  
franchise-  
ment Con-  
siderations  
as on Mort-  
gage in Fee.

XXXIV. The Owner for the Time being of a Certificate of Charge shall, in respect of any Payment in the Nature of Interest or Instalment that may become due under the Certificate, have the same Remedies and be subject to the same Conditions in the Recovery thereof as are by the Copyhold Acts provided in respect of Rent- 5 charges; and for a further and additional Remedy in that Behalf, and in respect of any Payment in the Nature of Interest, or of a periodical Payment, or of an Instalment, or of a gross Principal Sum, that may be secured by the Certificate, the Manor or Land shall from the Date of the Certificate stand charged with the respective Sums mentioned 10 in such Certificate to be payable, and until such Payment the Owner for the Time being of the Certificate shall be deemed to stand seised of the Manor or Land as a Mortgagee in Fee thereof, and it shall be lawful for the Person so seised from Time to Time to adopt such Means and Proceedings as a Mortgagee in Fee of Freehold Land is 15 entitled to, for the enforcing Payment of Principal Sums, or Interest, with the like Right to obtain Payment of all attendant and incident Costs and Expenses.

Form of  
Certificate  
of Charge.

XXXV. A Certificate of Charge may be in the Form following:  
' WE, the Copyhold Commissioners, do hereby certify, That the 20  
' Land mentioned in the Schedule to this Certificate is charged  
' with the Payment to *A.B.*, his Executors, Administrators, or  
' Assigns [*or "to the Lord of the Manor of ... for the*  
' *Time being," as the Case may be,*] of the following Series of  
' periodical Payments; that is to say, the Sum of £ ... 25  
' payable on the ... Day of ... A.D. ...; the  
' further Sum of £ ... payable on the ... Day of  
' ... A.D. ... &c. [*or "with the Principal Sum*  
' *of £ ... with Interest thereon after the Rate of*  
' *per Centum per Annum, the Principal to be repayable in manner* 30  
' *following; that is to say," state the Terms*]; and we do further  
' certify that this Certificate of Charge was made in respect of Con-  
' sideration Money [*or in respect of Expenses*]; and further, that  
' after Payment of the Series of periodical Payments above men-  
' tioned [*or after Payment of the Principal Money hereby charged,* 35  
' and all Arrears of Interest due thereon,] this Certificate shall be  
' void. In witness whereof we have hereunto set our Hands and the  
' Seal of the said Commissioners, this ... Day of  
' A.D. 18 ...

' *The Schedule.*

' *E.F.*  
' *G.H.*

XXXVI. A

XXXVI. A Transfer of a Certificate of Charge may be in the Form of Transfer of Certificate.  
Form following :

' I A.B. of \_\_\_\_\_ hereby transfer the within Certificate  
of Charge to C.D. of \_\_\_\_\_  
5 Dated this \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_  
\_\_\_\_\_ 'A.B.'

XXXVII. When Land is held in undivided Shares the Person for the Time being in receipt of at least *Two Thirds* of the Value of the Rents and Profits of such Land shall be the "Tenant" of such Land for all the Purposes of "the Copyhold Acts."

XXXVIII. In any Case in which the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, on behalf of Her Majesty in right of Her Crown, or the Chancellor and Council of the Duchy of Lancaster, on behalf of Her Majesty  
15 in right of Her said Duchy, shall at any Time hereafter have proceeded, in exercise of the Powers vested in them, to negotiate the Terms for the Enfranchisement of any Hereditaments held of any Manor vested in Her Majesty in right of Her Crown or of Her Duchy of Lancaster, either in possession, or in remainder expectant  
20 on any Estate less than an Estate of Inheritance, and either solely or in Coparcenary with any Subject or Subjects, and a Difference of Opinion shall arise between the said Commissioners or either of them, or the said Chancellor and Council, on the one hand, and the Tenant of the said Hereditaments on the other hand, touching  
25 the Amount of the Consideration Money to be paid by the Tenant to the said Commissioners or to the said Receiver General of the Duchy of Lancaster for such Enfranchisement, it shall be lawful for the said Commissioners or either of them, or for the said Chancellor and Council, if they or he respectively shall so think fit, on the Request of  
30 the Tenant, and upon an Agreement for the Enfranchisement being entered into by them or him with such Tenant, to refer it to the Copyhold Commissioners to appoint, as they are hereby authorized to do, some practical Land Surveyor to determine the Amount of the Consideration Money to be paid to the said Commissioners or to the  
35 said Receiver General of the Duchy of Lancaster for such Enfranchisement; and the Costs and Expenses of and incident to any Reference to the Copyhold Commissioners, to be made as herein-before provided, shall be treated as Costs and Expenses incurred in the Case of a compulsory Enfranchisement at the Instance of a Tenant.

Arbitration  
in case of  
Difference as  
to Terms of  
Enfranchise-  
ment in  
Crown  
Manors.

40 XXXIX. Any Manor vested in Her Majesty in right of Her Crown in remainder or reversion expectant on an Estate of Inheritance, and any Hereditaments held of such Manor, may, with the Consent [111.] B 2 in Provision as to Enfranchisements in Manors belonging to

the Crown in remainder, &c. in Writing from Time to Time of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, be dealt with under the Copyhold Acts.

Provision as to Payment of Compensation for such Enfranchisements.

XL. In every Case of an Enfranchisement of Land held of any Manor so vested in Her Majesty in remainder expectant on an Estate of Inheritance, where the Compensation under the Provisions of the Copyhold Acts shall be a gross Sum of Money, the same shall be paid to such Two Persons as Trustees as shall be from Time to Time nominated for the Purpose by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, and by the Person who shall for the Time being be entitled to the Receipt of the Rents and Profits of the Manor, One of such Trustees being from Time to Time nominated by the Commissioners or One of them, and the other of such Trustees being from Time to Time nominated by the Person so entitled for the Time being: Provided always, that in any Case in which the Commissioners, or One of them, and the Person for the Time being so entitled, shall not upon the Occasion of any Enfranchisement agree that the Compensation, if payable in a gross Sum of Money, shall be paid to Trustees, the same shall with all Convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there ex parte the Queen's most Excellent Majesty and the Person so for the Time being entitled, and when so paid in the Compensation shall remain to such Account as aforesaid, until, by Order of the Court, to be made in a summary Way upon Petition, after Notice to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, by the Person who may be entitled to the Rents and Profits of the Manor, it shall be applied in manner by this Act provided.

Application of such Enfranchisement Money.

XLI. The Compensation Money paid for any such Enfranchisement shall be applied by any Trustees to be from Time to Time so nominated, or by Direction of the Court of Chancery, if the same shall have been paid into the Bank of England to the Credit of the Accountant General of the Court, in the Purchase or Redemption of Land Tax affecting the Manor or any other Land settled to the like Uses as the Manor, or in the Purchase of Land of Fee-simple Tenure, and convenient to be held with the settled Estates; and until such Application of the Compensation Money, it may, by any such Trustees, or by the Accountant General of the Court of Chancery, under Order of the Court, to be made upon Application thereto, after Notice to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, be from Time to Time invested, in the Names or Name of such Trustees or of the Accountant General, in the Purchase of or upon



upon Government or Real Securities; and in the meantime and until such Securities be sold or realized by the Trustees, or pursuant to any Order of the Court for either of the Purposes aforesaid, the Income thereof shall be paid by the Trustees or by the Accountant General, **5** under Order of the Court, to the Person who for the Time being may be entitled to the Rents and Profits of the Manor.

XLII. Any Land to be purchased with any Compensation Money to be paid or any Rentcharge to be granted or awarded as the Consideration for any such Enfranchisement shall be settled to such Uses, **10** upon such Trusts, and subject to such Powers and Provisions as will most nearly correspond with the Uses, Trusts, Powers, and Provisions then affecting the Manor in which such Enfranchisement shall be made, and all such Uses, Trusts, Powers, and Provisions shall be valid, and have full Effect, any Law to the contrary notwithstanding.

Land to be purchased with Enfranchisement Money to be settled to same Uses as Manor may stand limited to.

**15** XLIII. Upon Payment of the Compensation Money as by this Act provided, in any Case in which such Compensation is made by Payment of a gross Sum of Money, or previously to or contemporaneously with the Execution of a Deed of Grant or of an Award by the Copyhold Commissioners of a Rentcharge, in any Case in **20** which the Compensation for an Enfranchisement shall be made by way of Rentcharge, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, may concur with the Person for the Time being entitled to the Rents and Profits of the Manor in executing a Deed of Enfranchisement to the Copyholder **25** of the Land to be enfranchised, which shall state in what Manner the Enfranchisement Money, if any, has been applied; and such Deed of Enfranchisement shall, when a Memorial thereof is enrolled as by this Act provided, be effectual to vest in the Copyholder all the Estate, Right, and Interest of the Queen's Majesty, Her Heirs and Successors, in right of Her Crown, and of all other Persons interested **30** therein under the Settlement of the Manor in the Land enfranchised, either absolutely or subject to such Reservations as may be agreed upon; but nothing contained in this Act with reference to Enfranchisements by Awards of the Copyhold Commissioners shall apply to **35** Manors in which Her Majesty, Her Heirs or Successors, may have any Estate or Interest in possession, reversion, or remainder.

As to Execution of Enfranchisement Deed.

XLIV. The Keeper of Land Revenue Records and Enrolments shall from Time to Time provide a Book or Books in which shall be entered a Memorial of every Deed of Enfranchisement of Land held **40** of any Manor, and of every Award or Grant of any Rentcharge, and of every Deed of Conveyance which shall be executed upon the Purchase of Land with Moneys arising from the Enfranchisement of

Record of such Enfranchisements to be preserved in Office of Land Revenue Records.

Lands within any such Manor (such last-mentioned Memorial being in every Case accompanied by a Plan of the Land purchased); and every such Memorial shall be under the Hand of One of the Parties to the Deed of Enfranchisement, or Conveyance, Award, or Grant; and no such Deed, Award, or Grant shall have Effect until there be 5 written thereon a Certificate signed by the Keeper of Land Revenue Records and Enrolments, that a Memorial thereof hath been lodged at the Office of Land Revenue Records and Enrolments; and in the Absence of Evidence to the contrary of the Fact stated therein such Certificate shall be admissible in Evidence in any Court of Justice or 10 before any Person now or hereafter having by Law or by Consent of Parties Authority to hear, receive, or examine Evidence, without Proof of the Signature thereto, or of the Fact that the Person signing or purporting to sign the same is the Keeper of Land Revenue Records and Enrolments for the Time being; and a Copy of the 15 Enrolment of the Memorial, certified in the Manner provided by an Act passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter Sixty-two, Section Eight, shall be receivable as Evidence of the Deed or Facts referred to in such Memorial.

The Commissioners of Woods to indemnify Trustee for the Crown.

XLV. Every Trustee so nominated by the Commissioners of Her 20 Majesty's Woods, Forests, and Land Revenues, or One of them, shall be absolutely indemnified by the said Commissioners for the Time being, out of the Rents and Profits of the Possessions and Land Revenues of the Crown, of and from all such Costs, Charges, 25 Damages, and Expenses (if any) as he may in anywise whatsoever incur or be put to in consequence of having been so nominated, and which he may not be able to obtain Repayment of out of the Trust Moneys.

The Commissioners of the Treasury to direct what Fees shall be taken for Enrolment of Memorials, &c.

XLVI. The Commissioners of Her Majesty's Treasury may direct what reasonable Fees shall be from Time to Time paid in respect of 30 the Revision and Enrolment, as by this Act provided, of any such Deed of Enfranchisement or Conveyance of any Land to be so purchased, and such Fees shall be deemed to be Part of the Expenses of the Enfranchisement or Purchase, as the Case may be, and shall be paid or be recoverable accordingly. 35

Provision as to Manors held in Joint Tenancy with the Crown.

XLVII. Any Manor vested in Her Majesty in right of Her Crown in possession, remainder, or reversion, in Joint Tenancy or Coparceny with any Subject, may, so far as regards the Rights and Interests of such Subject and of the Tenant of such Manor, be dealt with under the Copyhold Acts, and the Provision of this Act in regard to Enfranchisements in Manors vested in Her Majesty in right 40 of Her Crown in remainder or reversion expectant on an Estate of Inheritance

Inheritance shall apply to Manors so vested in Her Majesty in Joint Tenancy or Coparcenary with any Subject, so far as respects the Share or Interest in any such Manor to which Her Majesty may be so entitled.

- 5 XLVIII This Act shall be taken and construed as Part of the Act to be  
Copyhold Acts, and may be cited either generally under the Term Part of the  
“the Copyhold Acts” or specifically as “The Copyhold Act, Copyhold  
1856.” Acts.



Copyhold Acts Amendment.

A

B I L L

To amend the Copyhold Acts.

(Prepared and brought in by  
Mr. Solicitor General, Mr. Attorney General, and  
Mr. Secretary Walpole.)

Ordered, by The House of Commons, to be Printed,  
7 June 1858.

[Bill 111.]

Under 3 oz.

# Copyhold Acts Amendment Bill.

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

Preamble.

Commencement of Act; Sect. 1.

Repeal of Acts, &c.; 2.

Saving of Acts done, Rights vested, &c.; 3.

Ecclesiastical Manors where Tenant has not Right of Renewal excepted from Acts; 4.

Application of Consideration Moneys where Enfranchisements might have been effected under 14 & 15 Vict. c. 104. Appropriation of Enfranchisement Moneys in Cases of Ecclesiastical Manors; 5.

Tenant or Lord of certain Copyhold Land may compel Enfranchisement; 6.

Mode of effecting compulsory Enfranchisement; 7.

Extension of Time for Appointments, &c.; 8.

Commissioners to review Valuations; 9.

Award of Enfranchisement; 10.

Corn Rentcharge to be calculated as Tithe Rentcharge; 11.

Receipts for Consideration Money, &c. to be produced; 12.

In case of Refusal by Lord; 13.

Commissioners to decide Questions as to Right to Admissions, &c.; 14.

Owners of enfranchised Lands may use the Soil for Purposes connected with the Enjoyment of the Surface; 15.

Enfranchisement Money may be paid to official Trustees of Charitable Funds; 16.

Enfranchisement Money for the Use of a Corporation, &c. may, at the Option of the Lords of the Manor, be paid into the Hands of Trustees; 17.

Enfranchisement Money for the Use of any Spiritual Person may be paid to the "Governors of Queen Anne's Bounty;" 18.

Commencement of Enfranchisement; 19.

Notice to be given to the Ecclesiastical Commissioners in Cases wherein they are interested; 20.

Notices, how to be given; 21.

Consideration Money, &c. may be charged on Land; 22.

Value of Land given as Enfranchisement Consideration may be charged; 23.

[Bill 163.]

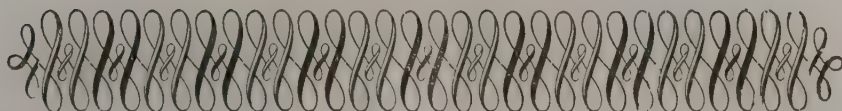
II

Lords

- Lords may charge Purchase Moneys ; 24.  
Expenses may be charged ; 25.  
How Consideration Moneys, &c. may be charged ; 26.  
Certain Expenses may be charged as Consideration Money ; 27.  
Charge for Expenses not to exceed Fifteen Years ; 28.  
Commissioners may in certain Cases grant Certificates of Charge for Expenses ; 29.  
Certificate of Charge ; 30.  
Certificate transferable ; 31.  
Lord's Charge to be appurtenant to the Manor ; 32.  
Stamp Duty ; 33.  
Priority of Charge ; 34.  
Charge not to merge ; 35.  
Sums charged how to be recovered ; 36.  
Form of Certificate of Charge ; 37.  
Form of Transfer of Certificate ; 38.  
Owner of Two Thirds in undivided Shares to be "Tenant;" 39.  
Agent may be appointed by Power of Attorney ; 40.  
Revocation of Power of Attorney ; 41.  
Arbitration in case of Difference as to Terms of Enfranchisement in Crown Manors ; 42.  
Provision as to Enfranchisements in Manors belonging to the Crown in remainder, &c. ; 43.  
Provision as to Payment of Compensation for such Enfranchisements ; 44.  
Application of such Enfranchisement Money ; 45.  
Land to be purchased with Enfranchisement Money to be settled to same Uses as Manor may stand limited to ; 46.  
As to Execution of Enfranchisement Deed ; 47.  
Record of such Enfranchisements to be preserved in Office of Land Revenue Records ; 48.  
The Commissioners of Woods to indemnify Trustee for the Crown ; 49.  
The Commissioners of the Treasury to direct what Fees shall be taken for Enrolment of Memorials, &c. ; 50.  
Provision as to Manors held in Joint Tenancy with the Crown ; 51.  
Interpretation ; 52.  
Act to be Part of the Copyhold Acts ; 53.
-



28 June 1858. 21 & 22 VICT.



A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

## Amend the Copyhold Acts.

**W**HEREAS it is expedient to repeal certain Provisions of Preamble.  
“ the Copyhold Acts,” and to make further and other 4 & 5 Vict.  
Provisions for the Commutation of Manorial Rights in c. 35.  
respect of Lands of Copyhold and Customary Tenure, and in respect 6 & 7 Vict.  
of other Lands subject to such Rights, and for facilitating the c. 23.  
Enfranchisement of such Lands, and for the Improvement of such 7 & 8 Vict.  
Tenure: Be it therefore enacted by the Queen’s most Excellent c. 55.  
Majesty, by and with the Advice and Consent of the Lords Spiritual 15 & 16 Vict.  
and Temporal, and Commons, in this present Parliament assembled, c. 51.  
and by the Authority of the same, as follows: 16 & 17 Vict.  
c. 57.

I. This Act shall come into operation on the First Day of October Commence-  
One thousand eight hundred and fifty-eight. ment of Act.

II. The following Acts and Sections and Parts of Sections of  
“ the Copyhold Acts ” are hereby repealed ; that is to say,

15 The whole of the Act of the Sixteenth and Seventeenth of Victoria, Repeal of  
Chapter Fifty-seven, intituled “ An Act to explain and amend 16 & 17 Vict.  
the Copyhold Acts : ” c. 57.

So much of the Eleventh Section of “ The Copyhold Act, 1841,” 4 & 5 Vict.  
as follows after the Words “ substituted in the Place of such c. 35. s. 11.

20 “ Lord, Tenant, or other Person : ”

[Bill 163.]

A

The

15 & 16 Vict.  
c. 51. s. 2. . . . . The whole of the First and Second Section of "The Copyhold Act, 1852:"

15 & 16 Vict.  
c. 51. s. 11. . . . . The whole of the Eleventh Section of "The Copyhold Act, 1852:"

All the Provisions of the Copyhold Acts which authorize Commutations by Schedule of Apportionment, and also all the Provisions 5 which authorize Commutations by a Schedule to be prepared by the Steward, and also all the Provisions which authorize Enfranchisement by Schedule of Apportionment, and also all the Provisions which authorize the charging of Enfranchisement or Compensation Moneys or the Expenses of Commutations or 10 Enfranchisements upon Land, are hereby repealed.

Saving of  
Acts done,  
Rights  
vested, &c. . . . . III. This Repeal shall not affect any Commutations or Enfranchisements or Charges already effected, or any Rights or Remedies attaching thereto, or any Acts done in pursuance of the Act or Provisions hereby specifically repealed, or Rights or Remedies vested 15 by or resulting therefrom.

Ecclesiastical Manors,  
where Tenant has  
not Right of  
Renewal,  
excepted  
from Acts. . . . . IV. The Copyhold Acts shall not extend to any Manors belonging, either in possession or reversion, to any Ecclesiastical Corporation, or to the Ecclesiastical Commissioners for England, where the Tenant hath not a Right of Renewal. 20

Application  
of Considera-  
tion Moneys  
in Cases  
where En-  
franchise-  
ments might  
have been  
effected  
under the  
14 & 15 Vict.  
c. 104. . . . . V. Whenever it shall appear to the Copyhold Commissioners that an Enfranchisement under the Copyhold Acts is one which might have been effected under the Provisions of the Act of the Fourteenth and Fifteenth of Her Majesty, Chapter One hundred and four, intituled "An Act to facilitate the Management and Improvement of 25 "Episcopal and Capitular Estates in England," so long as that Act or any Act for continuing the same shall be in force, the Moneys or Rentcharges which form the Consideration of such Enfranchisement shall be paid and applied to the same Account and in the same Manner as if such Enfranchisement had been effected under the said Act of the 30 Fourteenth and Fifteenth of Her Majesty; and all the Provisions of the said last-mentioned Act which affect the Application of Enfranchisement Moneys under that Act shall be applicable to such Enfranchisements as aforesaid, made under the Provisions of the Copyhold Acts; and the Church Estates Commissioners and Ecclesiastical Com- 35 missioners shall respectively have the same Powers over such Consideration Moneys, or the Interest accruing thereon, or upon Land, Rentcharges, or Securities acquired in respect of such Enfranchisements, and also over or against any Ecclesiastical Corporation interested therein, as such Commissioners respectively would have had if such 40 Enfranchisement had been effected with the Consent of the Church Estates Commissioners, and under the Provisions of the said Act of the Fourteenth and Fifteenth of Her Majesty or any Act continuing the

the same: But where any Ecclesiastical Corporation within the Meaning of the said last-mentioned Act, or the said Ecclesiastical Commissioners have only a Reversionary Interest in the Manorial Rights extinguished by Enfranchisement, the Consideration for such

5 Enfranchisement shall be dealt with in the Manner directed by the Thirty-ninth Section of "The Copyhold Act, 1852," until the Time when the said Reversionary Interest in the same Manorial Rights would, if the same had not been extinguished, have come into possession, when the said Consideration, or any Government Securities in

10 which it may have been invested, shall, upon Petition to the Court of Chancery, be paid or transferred to the said Church Estates Commissioners, who shall be considered the Parties become absolutely entitled to such Money, to be dealt with as if they had come into possession thereof in consequence of an Enfranchisement effected under the said

15 Act of the Fourteenth and Fifteenth of Her Majesty.

Appropriation of Enfranchisement Moneys in Cases of Ecclesiastical Manors.

VI. Notwithstanding the First Section of "The Copyhold Act, 1852," it shall be lawful, from and after the passing of this Act, for any Tenant or Lord of any Copyhold Lands to which the last Admittance shall have taken place before the First of July One

20 thousand eight hundred and fifty-three, or of any Freehold or Customary Freehold Lands in respect of which the last Heriot shall have become due or payable before the First of July One thousand eight hundred and fifty-three, to require and compel Enfranchisement of the said Lands in the Manner herein and in the said Act mentioned: Provided always, that no such Tenant shall be entitled to

25 require such Enfranchisement until after Payment or Tender (in the Case of Copyhold Lands) of such a Fine, and of the Value of such a Heriot, and in the Case of Freehold and Customary Freehold Lands of the Value of such a Heriot as would become due or

30 payable in the event of Admittance or Death subsequent to the First of July One thousand eight hundred and fifty-three, and also, in the Case both of Copyhold and of Freehold or Customary Freehold Lands, of Two Thirds of such a Sum as the Steward would have been entitled to for Fees in respect of such Admittance or

35 Heriot.

CLAUSE A.  
Tenant or Lord of certain Copyhold Land may compel Enfranchisement.

VII. When any Lord or Tenant shall, under the Provisions of the Copyhold Act, 1852, or of this Act, require the Enfranchisement of any Land held of a Manor, he shall give Notice in Writing (the Lord or his Steward to the Tenant, or the Tenant to the Lord or his

40 Steward,) of his Desire that such Land shall be enfranchised; and the Consideration to be paid to the Lord for such Enfranchisement, and also the Sum to be paid to the Lord in respect of such Fine or Heriot as mentioned in the last preceding Clause, shall, unless the Parties

Mode of effecting compulsory Enfranchisements.



agree about the same, be ascertained under the Directions of the Copyhold Commissioners, and upon a Valuation to be made in the Manner following; that is to say,

Where the Manorial Rights to be compensated shall consist only of Heriots, Rents, and Licences at fixed Rates to demise or fell 5  
Timber, or any of these, or where the Land to be enfranchised shall not be rated to the Poor's Rate at a greater Amount than the net annual Value of Twenty Pounds, then the Valuation shall be made by a Valuer to be nominated by the Commissioners, subject, however, to these Provisoos: First, that if the 10  
Parties agree to recommend to the Commissioners any Person to be the Valuer, such Person shall be nominated by the Commissioners; and Second, that either Party may, upon paying the Charges of his own Valuer, have the Valuation made as next herein-after provided: 15

But when the Manorial Rights to be compensated do not consist only of Rents and Heriots and such Licences as aforesaid, or when the Land to be enfranchised is rated to the Poor's Rate at a greater Amount than the net annual Value of Twenty Pounds, or where the Valuation to be made is of the Sum to be 20  
paid to the Lord in respect of such Fine or Heriot as mentioned in the last preceding Clause, then the Valuation shall, unless the Parties agree to refer it to One Valuer, be made by Two Valuers; One to be appointed by the Lord, and the other by the Tenant; and such Two Valuers, before they proceed, shall appoint an 25  
Umpire, to whom any Points in dispute between them shall be referred; and in case the Valuer or Valuers or Umpire, as the Case may be, shall not make a Decision and deliver the Particulars thereof in Writing to the Lord or the Steward and to the Tenant, and to the Copyhold Commissioners, within Forty-two 30  
Days after the Appointment of such Valuers, or Reference of the Matter to the Umpire, as the Case may be, then the Commissioners shall fix the Consideration to be paid or rendered to the Lord; and in any Case where, after Notice to the Lord or to the Steward or to the Tenant so to do, either Party shall 35  
neglect or refuse, for Twenty-eight Days, to appoint his Valuer, the Commissioners shall appoint a Valuer for him as soon as may be after the Expiration of such Twenty-eight Days; and in any Case where any Valuers shall, for the Space of Fourteen Days after the Appointment, be unable to agree in the Appointment 40  
of an Umpire, the Commissioners shall appoint an Umpire.

When Commissioners shall fix Consideration.

When Commissioners to appoint Umpire.

Extension of Time for Appointments, &c.

VIII. The Commissioners may, by an Order under Seal, extend the Time within which this Act directs that any Valuer be appointed, or any Act to be done by such Valuer be performed.

IX. If

CLAUSE B.  
Commis-  
sioners to  
review  
Valuations.

IX. If the Lord or Tenant shall be dissatisfied with any Valuation made as aforesaid, the Commissioners shall have Power to remit such Valuation to the Valuer or Umpire by whom it was made, and such Valuer or Umpire shall thereupon reconsider the same, and may, if he shall see fit, amend the Valuation.

X. After the Valuation has been made, or upon the Receipt of the Agreement of the Parties, the Commissioners, having made such Inquiries concerning the Circumstances of the Case as to them shall seem fit, and having duly considered the Applications made to them by the Parties, may frame an Award of Enfranchisement in the Terms of the Valuation, and in such Form as they shall provide, and may confirm the same; and such confirmed Award shall have the same Force and Validity for all Purposes of Enfranchisement or otherwise as a Deed of Enfranchisement now has under the Provisions of the Copyhold Acts, or would have had under any Provision of the Copyhold Acts which is by this Act repealed; and for all Purposes of declaring the Amount, Nature, and Particulars of the Compensation, and for attaching thereto the Remedies provided by the Copyhold Acts, the said confirmed Award shall have the same Force and Validity as an Award made by Valuers or an Umpire under the Provisions of the Copyhold Acts: Provided nevertheless, that nothing herein contained shall affect the Right of the Steward for the Time being of any Manor to receive such Sum of Money by way of Compensation or otherwise as he would have been entitled to if such Enfranchisement had been effected by a Deed of Enfranchisement under the Provisions of the Copyhold Acts or any of them: Provided also, that the Commissioners shall, Fourteen clear Days before Confirmation of any such Award, serve a Copy of the same in the Form in which it is proposed to be confirmed upon the Steward of the Manor of which the Lands to be enfranchised are held.

Award of  
Enfranchise-  
ment.

XI. Whenever a Rentcharge hereafter granted under the Provisions of the Copyhold Acts shall be a Rentcharge varying with the Price of Corn, such Rentcharge shall not be calculated in the Manner now directed by the Copyhold Acts, but shall be calculated upon the same Averages and variable in the same Manner as a Tithe Commutation Rentcharge; but this Amendment shall apply only to Corn Rentcharges hereafter to be imposed, and not to any already existing under the Authority of the Copyhold Acts, but these last-named Corn Rentcharges shall retain their former Character and Incidents.

Corn Rent-  
charges to  
be calculated  
as Tithe  
Rent-  
charges.  
4 & 5 Vict.  
c. 35. s. 36.

XII. The Commissioners shall not confirm any Award of Enfranchisement where the Consideration is a gross Sum of Money

Receipts for  
Considera-  
tion Money,  
&c. to be  
produced.

immediately payable, or Land, until the Receipt of the Person entitled to receive the Consideration or Compensation Money has been produced to them, or the Conveyance of the Land has been confirmed by them.

In case of  
Refusal by  
Lord.

XIII. If the Lord refuse to receive the Enfranchisement Money 5 it shall be dealt with as is provided in Cases where the Lord is only entitled for a limited Estate.

Commission-  
ers to decide  
Questions as  
to Right to  
Admissions,  
&c.

XIV. When any Question shall arise, under the Copyhold Acts and for the Purposes of the same, as to the Necessity of or Right to any Admission, or the Fines or Fees payable in respect 10 thereof, or as to whether Land is capable of being dealt with under this Act, the same shall be heard and decided by the Commissioners, upon such Requisition and subject to such Appeal as is required and given by the Copyhold Acts in Cases now within the Provisions of the Eighth Section of "The Copyhold Act, 1852." 15

Owners of  
enfranchised  
Lands may  
use the Soil  
for Purposes  
connected  
with the  
Enjoyment  
of the Sur-  
face.

XV. After Enfranchisement, whether under the voluntary or compulsory Proceedings of "the Copyhold Acts," the Owner of the Lands so enfranchised shall, notwithstanding any Reservation of Mines or Minerals in the said Acts or in any Instrument of Enfranchisement contained, have full Power and Right to disturb or 20 remove the Soil so far as may be necessary or convenient for the Purposes of making Roads or Drains or erecting Buildings or obtaining Water upon the said Lands.

CLAUSE D.  
Enfranchise-  
ment Money  
may be paid  
to official  
Trustees of  
Charitable  
Funds.

XVI. In the Case of a Corporation or other Lord of any Manor holden upon any Charitable Trust within the Provisions of the 25 "Charitable Trust Act, 1853," or "Charitable Trust Amendment Act, 1855," not authorized to make an absolute Sale otherwise than under the Provisions of the said last-mentioned Acts or of the Copyhold Acts, the Consideration Money to be paid for the Redemp- 30 tion or Sale of any Rentcharge, or as Compensation for any Enfran- chisement, may, at the Option of the Lord, be paid into the Hands of the official Trustees of Charitable Funds acting under the said Charitable Trusts Acts, in trust for the Charity to which the Manor shall belong; and the Principal Monies shall be applied by the Trustees, under the Order of the Charity Commissioners for England 35 and Wales, for the Purposes to which the said Money if paid into the Bank of England in the Name of the Accountant General of the Court of Chancery would be applicable under the Copyhold Acts, and in the meantime shall be invested, and the Dividends of such Investments shall be applied, according to the Provisions of the said 40 Acts relating to Charitable Funds paid to such official Trustees.

XVII. Any



XVII. Any Consideration or Compensation Money to be paid to the Use of a Corporation, Lord of a Manor, other than of a Manor holden for Charitable Purposes within the Meaning of the "Charitable Trust Act, 1853," and "Charitable Trust Amendment Act, 1855," may, at the Option of such Lord, be paid into the Hands of Trustees, to be nominated by the Commissioners by Order under Seal, in the same Manner as in other Cases already provided for in the Copyhold Acts, and the Money shall be applied by the Trustees, with the Consent of the Commissioners, to the Purposes to which Consideration or Enfranchisement Money paid into the Bank of England in the Name of the Accountant General is directed by the Copyhold Acts to be applied; and upon every Vacancy in the Office of such Trustee, or in case any such Trustee should be desirous of resigning, or should become incapable of acting, some other Person shall be appointed by the Commissioners in like Manner.

CLAUSE E.  
Enfranchise-  
ment Money  
for the Use  
of a Cor-  
poration, &c.  
may, at the  
Option of  
the Lords of  
the Manor,  
be paid into  
the Hands of  
Trustees.

XVIII. Any Compensation or Consideration Money paid for the Use of any Spiritual Person in respect of his Benefice or Cure may, at the Option of the Lord, be paid to the "Governors of Queen Anne's Bounty for the Augmentation of the Maintenance of the Poor Clergy," and when so paid shall be applied and disposed of by the said Governors as Money in their Hands appropriated for the Augmentation of such Benefice or Cure should by Law, and under the Rules of the said Governors, be applied and disposed of; and the Receipt of the Treasurer of the said Governors shall be a sufficient Discharge for such Money, and the Person paying the same to such Treasurer shall not be concerned to see to the Application or Disposal thereof.

CLAUSE F.  
Enfranchise-  
ment Money  
for the Use of  
any Spiritual  
Person may  
be paid to the  
Governor of  
Queen  
Anne's  
Bounty.

XIX. The Commencement of every Commutation or Enfranchisement, and of any Rentcharge, may be fixed by the Memorandum of Confirmation of the Instrument of Commutation or Enfranchisement, or, in default of being so fixed, it shall take place on the Day of Confirmation; but the Commissioners shall have Power to fix the Day whence the half-yearly Payments of the Rentcharge shall commence to be calculated, at any Period not more than Six Months posterior to the Day fixed for the Commencement of the Commutation or Enfranchisement; and the Portion of Rentcharge which shall accrue between the Day of the Commencement of the Commutation or Enfranchisement and the Day fixed by the Commissioners as the Day whence the half-yearly Payments of the Rentcharge shall commence to be calculated shall be paid and recoverable in like Manner as any after-accruing half-yearly Sum is payable or recoverable.

Commence-  
ment of  
Enfranchise-  
ment.

Notice to be  
given to the  
Ecclesiasti-  
cal Commis-  
sioners in  
Cases  
wherein they  
are inte-  
rested.

XX. Where any Land proposed to be enfranchised under this Act shall be held of a Manor belonging either in possession or reversion to an Ecclesiastical Corporation within the Meaning of the Act of the Fourteenth and Fifteenth Years of Her Majesty's Reign, Chapter One hundred and four, the Ecclesiastical Commissioners for England shall have Notice of such Proceedings, and shall have the same Power of expressing Assent to or Dissent from such Proceedings as is by this Act directed with respect to Persons entitled to the next Estate of Inheritance in reversion or remainder, and the Provisions of the Copyhold Acts respecting such Notices (other than and except the Power of the said Copyhold Commissioners to dispense with Notice), and all Proceedings thereon (except as otherwise by this Act is provided), shall be applicable to such Cases. 5 10

Notices how  
to be given.

XXI. Where Notice or other Writing is by this Act required to be given to any designated Person or Party, it may be given either by sending it by the Post in a registered Letter to or by leaving it at the Office or usual Place of Abode of such Person, and all Notices required to be given by the Commissioners or any Valuer (the Mode of giving which is not particularly directed) may be in the Name either of the Person giving the Notice or of any Person authorized by the Commissioners to give Notices, and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices may relate. 15 20

Considera-  
tion Money,  
&c. may be  
charged on  
Land.

XXII. Whenever by the Copyhold Acts Power is given or an Obligation attaches to any Person to pay Money as Consideration or Compensation for Commutation or Enfranchisement, it shall be lawful for such Person, with the Consent of the Commissioners, to charge upon the Land commuted or enfranchised the Sum of Money paid. 25

Value of  
Land given  
as Enfran-  
chisement  
Considera-  
tion may be  
charged.

XXIII. Whenever Land is conveyed as Consideration or Compensation for Commutation or Enfranchisement, and the Person conveying the same was absolute Owner of the Land so conveyed, it shall be lawful for such Person, with the Consent of the Commissioners, to charge upon the Land commuted or enfranchised such reasonable Sum as in the Judgment of the Commissioners may be equivalent in Value to the Land so conveyed. 30 35

Lords may  
charge  
Purchase  
Moneys.

XXIV. Where Power is by the Copyhold Acts given to the Lord to purchase the Tenant's Interest in Land, he shall have the same Right to charge the Land purchased, and also the Manor and any Land settled therewith to the same Uses, as a Tenant has under this Act to charge Enfranchisement Moneys. 40

XXV. Any

XXV. Any Expenses incurred in Proceedings under the Copyhold Acts may be charged upon the Manor or upon the Land commuted or enfranchised, or upon both, according as the Obligations to pay may attach, or Expenses payable by the Lord may be paid out of the Compensation or Consideration Money, or be charged upon the Rentcharge or other Consideration or Compensation for Commutation or Enfranchisement.

Expenses may be charged.

XXVI. Any Charge under this Act in respect of Consideration or of Compensation Money, or of Purchase Money, or of the Value of Land conveyed, may, when the Parties so agree, and the Commissioners approve, be made for a Principal Sum and Interest, or for a Series of periodical Payments, which, at the Termination thereof at the Period specified, shall leave the Manor or Land discharged.

How Consideration Moneys, &c. may be charged

XXVII. Whenever by the Provisions of the Copyhold Acts any Lord or Tenant is authorized to raise Money upon Charge, or to purchase or convey any Land, and to charge the Principal or the Purchase Money or the Value upon a Manor or Land, then the Expenses incurred about the raising of such Money upon Charge, or incurred about the Purchase, or Purchase and Conveyance, shall (but as distinct from the general Expenses of Commutation or Enfranchisement) be considered for all Purposes or Effects of charging as Part of the Principal Purchase Money or Value to be charged.

Certain Expenses may be charged as Consideration Money.

XXVIII. All other Charges in respect of Expenses of Proceedings under the Copyhold Acts (except the Expenses of a Purchase by a Lord) shall be for such Period as the Parties may agree and the Commissioners may approve, not exceeding Fifteen Years, and at such Interest as stated in the Certificate of Charge.

Charge for Expenses not to exceed Fifteen Years.

XXIX. If by reason of Disputes as to Title or other Circumstances it shall appear to the Commissioners to be uncertain upon what Person the Order to pay Costs or Expenses should be made, the Commissioners may, if they shall so see fit, grant to the Person entitled to receive Payment of such Costs or Expenses a Certificate of Charge upon the Manor or Land in respect of which such Costs or Expenses were incurred, which shall operate in all respects as other Certificates of Charge under this Act.

Commissioners may in certain Cases grant Certificates of Charge for Expenses.

XXX. Every Charge under this Act shall be made by a Certificate under Seal of the Commissioners, and countersigned by the Person at whose Instance the Charge is made, to be called a Certificate of Charge; and if such Charge shall be a Series of periodical Payments which, at the Termination thereof at a Period specified, shall

Certificate of Charge.



leave the Manor or Land discharged, such Series shall be specified in the Certificate; but if the Charge shall be a Principal Sum bearing Interest, and repayable at or before a certain future Date, or after a certain Notice, then such Certificate shall specify the whole Amount of Principal Money to be charged, and shall contain a Proviso 5 declaring that such Certificate shall be void on Payment of the Amount thereby secured, with any Arrears of Interest due thereon, at a Time therein appointed, or at the Expiration of an ascertained Notice; and such Certificate shall state whether the Charge was made in respect of Costs or Expenses, or in respect of Consideration 10 or Compensation Money, and may specify any Place, to be agreed upon between the Parties, as the Place of Payment of the Principal Money and Interest charged by such Certificate; and the Manor or Land charged thereby may be described by Reference to the Enfranchisement Proceedings under the Copyhold Acts, or otherwise, 15 as the Commissioners may see fit.

Certificate transferable. XXXI. Every Certificate and the Charge thereby made shall be transferable by Endorsement on such Certificate.

Lord's Charge to be appurtenant to the Manor. XXXII. Whenever a Lord of limited Interest shall be entitled to a Certificate of Charge in respect of Enfranchisement Money left 20 chargeable upon the Land enfranchised, the Charge shall remain appendant and appurtenant to the Manor (but not so as to be incapable of being severed therefrom, or to be affected by the Extinction thereof); and the Certificate of Charge shall state that the Lord to whom such Certificate is issued has only a limited Interest in 25 such Charge, or it may purport to be issued to the Lord for the Time being of the Manor; and either of such Statements in such Certificate shall be Notice to all Persons of the limited Interest in such Charge which may pass by Transfer of such Certificate. 30

Stamp Duty. XXXIII. Every Award of Enfranchisement, Certificate of Charge, and Transfer thereof, issued or made under this Act, shall be chargeable with the like Stamp Duties as are chargeable in respect of Deeds of Enfranchisement, Mortgages, and Transfers of Mortgages.

Priority of Charge. XXXIV. Any Charge under this Act made in consideration of 35 the Value of Land conveyed as Consideration, or of Consideration or Compensation Money, or of Purchase Money, or of the Expenses of Purchase and Conveyances, shall be a First Charge on such Manor or Land, and shall have Priority over all Mortgages, Charges, and Incumbrances whatsoever affecting such Manor or Land, (except 40 Tithe Commutation Rentcharges, and any Charges or Rentcharges which

which may have been or shall be charged upon the same Land for the Drainage thereof, by virtue of any of the Statutes in that Behalf,) notwithstanding the actual Priority in point of Date or anterior Title of such Mortgages, Charges, and Incumbrances; but  
 5 any Moneys already invested or previously secured or charged thereon may be continued on the Security of the same, notwithstanding the Imposition of the said Charge under this Act.

XXXV. Any such Certificate of Charge may be taken by any Person, although he may be the Lord or Tenant or Owner of any  
 10 Manor or Land charged thereby; and the same shall not merge in the Freehold, unless the Owner of such Charge shall, by Indorsement upon the Certificate of Charge or otherwise, declare in Writing that it is his Will that such Charge shall merge and cease.

XXXVI. The Owner for the Time being of a Certificate of Charge  
 15 shall, in respect of any Payment in the Nature of Interest or Instalment that may become due under the Certificate, have the same Remedies and be subject to the same Conditions in the Recovery thereof as are by the Copyhold Acts provided in respect of Rent-charges; and for a further and additional Remedy in that Behalf, and  
 20 in respect of any Payment in the Nature of Interest, or of a periodical Payment, or of an Instalment, or of a gross Principal Sum, that may be secured by the Certificate, the Manor or Land shall from the Date of the Certificate stand charged with the respective Sums mentioned in such Certificate to be payable, and until such Payment the Owner  
 25 for the Time being of the Certificate shall be deemed to stand seised of the Manor or Land as a Mortgagee in Fee thereof, and it shall be lawful for the Person so seised from Time to Time to adopt such Means and Proceedings as a Mortgagee in Fee of Freehold Land is entitled to, for the enforcing Payment of Principal Sums, or Interest,  
 30 with the like Right to obtain Payment of all attendant and incident Costs and Expenses.

XXXVII. A Certificate of Charge may be in the Form following:  
 ' WE, the Copyhold Commissioners, do hereby certify, That the  
 ' Land mentioned in the Schedule to this Certificate is charged  
 35 ' with the Payment to A.B., his Executors, Administrators, or  
 ' Assigns [or "to the Lord of the Manor of \_\_\_\_\_ for the  
 ' Time being," as the Case may be,] of the following Series of  
 ' periodical Payments; that is to say, the Sum of £  
 ' payable on the \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_; the  
 40 ' further Sum of £ \_\_\_\_\_ payable on the \_\_\_\_\_ Day of  
 ' \_\_\_\_\_ A.D. \_\_\_\_\_ &c. [or "with the Principal Sum  
 ' of £ \_\_\_\_\_ with Interest thereon after the Rate of  
 [163.] \_\_\_\_\_ C \_\_\_\_\_ ' per

Charge not  
to merge.

Sums  
charged how  
to be reco-  
vered.

Land  
charged  
with En-  
franchise-  
ment Con-  
siderations  
as on Mort-  
gage in Fee.

Form of  
Certificate  
of Charge.

‘ per Centum per Annum, the Principal to be repayable in manner  
 ‘ following; that is to say,” *state the Terms*]; and we do further  
 ‘ certify that this Certificate of Charge was made in respect of Con-  
 ‘ sideration Money [*or* in respect of Expenses]; and further, that  
 ‘ after Payment of the Series of periodical Payments above men- 5  
 ‘ tioned [*or* after Payment of the Principal Money hereby charged,  
 ‘ and all Arrears of Interest due thereon,] this Certificate shall be  
 ‘ void. In witness whereof we have hereunto set our Hands and the  
 ‘ Seal of the said Commissioners, this \_\_\_\_\_ Day of  
 ‘ A.D. 18 \_\_\_\_\_

10

‘ *The Schedule.*

‘ *E.F.*  
 ‘ *G.H.*

Form of.  
 Transfer of  
 Certificate.

XXXVIII. A Transfer of a Certificate of Charge may be in the  
 Form following:

15

‘ I *A.B.* of \_\_\_\_\_ hereby transfer the within Certificate  
 ‘ of Charge to *C.D.* of \_\_\_\_\_  
 ‘ Dated this \_\_\_\_\_ Day of \_\_\_\_\_ A.D. \_\_\_\_\_  
 ‘ *A.B.*

Owner of  
 Two Thirds  
 in undivided  
 Shares to be  
 “Tenant.”

XXXIX. When Land is held in undivided Shares the Person for 20  
 the Time being in receipt of at least Two Thirds of the Value of  
 the Rents and Profits of such Land shall be the “Tenant” of such  
 Land for all the Purposes of “the Copyhold Acts.”

CLAUSE H.  
 Agent may  
 be appointed  
 by Power of  
 Attorney.

XL. It shall be lawful for any Lord or Tenant of a Manor, or any  
 other Person interested in any Proceedings under this Act, by a 25  
 Power of Attorney given in Writing under his Hand, or, in the Case  
 of a Corporation Aggregate, under the Common Seal of such Corpo-  
 ration, from Time to Time to appoint an Agent to act for him in  
 carrying into execution the Provisions of this Act; and all Things  
 which by this Act are directed or authorized to be done by or in 30  
 relation to any Person may be fully done by or in relation to the  
 Agent so duly authorized of such Person; and every such Agent  
 shall have full Power, in the Name and on behalf of his Principal,  
 to concur in and execute any Agreement or Application or other  
 Document arising out of the Execution of this Act; and every 35  
 Person shall be bound by the Acts of any such Agent, according to  
 the Authority committed to him, as fully as if the Principal of such  
 Agent had so acted; and the Power of Attorney under which the  
 Agent shall have acted, or a Copy thereof authenticated by the  
 Signature of Two credible Witnesses, shall be sent to the Office of 40  
 the



the Commissioners ; and any such Power of Attorney may be in the Form following :

‘ Manor of \_\_\_\_\_ in the County of \_\_\_\_\_

‘ I [A.B.] of, &c., do hereby appoint C.D. of, &c., to be my lawful  
 5 ‘ Attorney, to act for me in all respects as if I myself were  
 ‘ present and acting in the Execution of “The Copyhold Commis-  
 ‘ sion Act, 1858.” Dated this \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ One thousand eight hundred and \_\_\_\_\_

‘ (Signed) \_\_\_\_\_ A.B.’

CLAUSE I.  
 Revocation  
 of Power of  
 Attorney.

10 XLI. If any Person, having made such an Appointment as last  
 aforesaid, shall deliver Notice in Writing or under a Common Seal  
 (as the Case may require) of the Revocation thereof to the Com-  
 missioners, no Act which shall be done by the Person so appointed,  
 after the Delivery of such Notice, without a fresh Appointment, shall  
 15 bind the Principal.

Arbitration  
 in case of  
 Difference as  
 to Terms of  
 Enfranchise-  
 ment in  
 Crown  
 Manors.

XLII. In any Case in which the Commissioners of Her Ma-  
 jesty’s Woods, Forests, and Land Revenues, or either of them, on  
 behalf of Her Majesty in right of Her Crown, or the Chancellor  
 and Council of the Duchy of Lancaster, on behalf of Her Majesty  
 20 in right of Her said Duchy, shall at any Time hereafter have pro-  
 ceeded, in exercise of the Powers vested in them, to negotiate the  
 Terms for the Enfranchisement of any Hereditaments held of any  
 Manor vested in Her Majesty in right of Her Crown or of Her  
 Duchy of Lancaster, either in possession, or in remainder expectant  
 25 on any Estate less than an Estate of Inheritance, and either solely  
 or in Coparcenary with any Subject or Subjects, and a Difference  
 of Opinion shall arise between the said Commissioners or either of  
 them, or the said Chancellor and Council, on the one hand, and  
 the Tenant of the said Hereditaments on the other hand, touching  
 30 the Amount of the Consideration Money to be paid by the Tenant to  
 the said Commissioners or to the said Receiver General of the Duchy  
 of Lancaster for such Enfranchisement, it shall be lawful for the said  
 Commissioners or either of them, or for the said Chancellor and  
 Council, if they or he respectively shall so think fit, on the Request of  
 35 the Tenant, and upon an Agreement for the Enfranchisement being  
 entered into by them or him with such Tenant, to refer it to the  
 Copyhold Commissioners to appoint, as they are hereby authorized to  
 do, some practical Land Surveyor to determine the Amount of the  
 Consideration Money to be paid to the said Commissioners or to the  
 40 said Receiver General of the Duchy of Lancaster for such Enfran-  
 chisement, and the Award of such Land Surveyor shall be final and  
 conclusive, and shall not be subject to Appeal or Revision; and the  
 Costs and Expenses of and incident to any Reference to the Copy-

hold Commissioners, to be made as herein-before provided, shall be treated as Costs and Expenses incurred in the Case of a compulsory Enfranchisement at the Instance of a Tenant.

Provision as to Enfranchisements in Manors belonging to the Crown in remainder, &c.

XLIII. Any Manor vested in Her Majesty in right of Her Crown in remainder or reversion expectant on an Estate of Inheritance, 5 and any Hereditaments held of such Manor, may, with the Consent in Writing from Time to Time of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, be dealt with under the Copyhold Acts.

Provision as to Payment of Compensation for such Enfranchisements.

XLIV. In every Case of an Enfranchisement of Land held of 10 any Manor so vested in Her Majesty in remainder or reversion expectant on an Estate of Inheritance, where the Compensation under the Provisions of the Copyhold Acts shall be a gross Sum of Money, the same shall be paid to such Two Persons as Trustees as shall be from Time to Time nominated for the Purpose 15 by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, and by the Person who shall for the Time being be entitled to the Receipt of the Rents and Profits of the Manor, One of such Trustees being from Time to Time nominated by the Commissioners or One of them, and the other 20 of such Trustees being from Time to Time nominated by the Person so entitled for the Time being: Provided always, that in any Case in which the Commissioners, or One of them, and the Person for the Time being so entitled, shall not upon the Occasion of any Enfranchisement agree that the Compensation, if payable in a 25 gross Sum of Money, shall be paid to Trustees, the same shall with all convenient Speed be paid into the Bank of England, in the Name and with the Privy of the Accountant General of the Court of Chancery, to be placed to his Account there ex parte the Queen's most Excellent Majesty and the Person so for the Time being 30 entitled, and when so paid in the Compensation shall remain to such Account as aforesaid, until, by Order of the Court, to be made in a summary Way upon Petition, after Notice to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, by the Person who may be entitled to the Rents and Profits of the Manor, it shall 35 be applied in manner by this Act provided.

Application of such Enfranchisement Money.

XLV. The Compensation Money paid for any such Enfranchisement shall be applied by any Trustees to be from Time to Time so nominated, or by Direction of the Court of Chancery, if the same shall have been paid into the Bank of England to the Credit of the 40 Accountant General of the Court, in the Purchase or Redemption of Land Tax affecting the Manor or any other Land settled to the like

Uses

Uses as the Manor, or in the Purchase of Land of Fee-simple Tenure, and convenient to be held with the settled Estates; and until such Application of the Compensation Money, it may, by any such Trustees, or by the Accountant General of the Court of Chancery, 5 under Order of the Court, to be made upon Application thereto, after Notice to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, be from Time to Time invested, in the Names or Name of such Trustees or of the Accountant General, in the Purchase of or upon Government or Real Securities; and in the meantime and until 10 such Securities be sold or realized by the Trustees, or pursuant to any Order of the Court for either of the Purposes aforesaid, the Income thereof shall be paid by the Trustees or by the Accountant General, under Order of the Court, to the Person who for the Time being may be entitled to the Rents and Profits of the Manor.

15 XLVI. Any Land to be purchased with any Compensation Money to be paid or any Rentcharge to be granted or awarded as the Consideration for any such Enfranchisement shall be settled to such Uses, upon such Trusts, and subject to such Powers and Provisions as will most nearly correspond with the Uses, Trusts, Powers, and Provisions 20 then affecting the Manor in which such Enfranchisement shall be made, and all such Uses, Trusts, Powers, and Provisions shall be valid, and have full Effect, any Law to the contrary notwithstanding.

Land to be purchased with Enfranchisement Money to be settled to same Uses as Manor may stand limited to.

XLVII. Upon Payment of the Compensation Money as by this Act provided, in any Case in which such Compensation is made by 25 Payment of a gross Sum of Money, or previously to or contemporaneously with the Execution of a Deed of Grant or of an Award by the Copyhold Commissioners of a Rentcharge, in any Case in which the Compensation for an Enfranchisement shall be made by way of Rentcharge, the Commissioners of Her Majesty's Woods, 30 Forests, and Land Revenues, or any One of them, may concur with the Person for the Time being entitled to the Rents and Profits of the Manor in executing a Deed of Enfranchisement to the Copyholder of the Land to be enfranchised, which shall state in what Manner the Enfranchisement Money, if any, has been applied; and such Deed of 35 Enfranchisement shall, when a Memorial thereof is enrolled as by this Act provided, be effectual to vest in the Copyholder all the Estate, Right, and Interest of the Queen's Majesty, Her Heirs and Successors, in right of Her Crown, and of all other Persons interested therein under the Settlement of the Manor in the Land enfranchised, 40 either absolutely or subject to such Reservations as may be agreed upon; but nothing contained in this Act with reference to Enfranchisements by Awards of the Copyhold Commissioners shall apply to

As to Execution of Enfranchisement Deed.



Manors in which Her Majesty, Her Heirs or Successors, may have any Estate or Interest in possession, reversion, or remainder.

Record of  
such Enfran-  
chisements to  
be preserved  
in Office of  
Land Reve-  
nue Records.

XLVIII. The Keeper of Land Revenue Records and Enrolments shall, for the Purpose of preserving a Record of such Enfranchisements as last aforesaid, from Time to Time provide a Book or Books in which shall be entered a Memorial of every Deed of Enfranchisement of Land held of any Manor, and of every Award or Grant of any Rentcharge, and of every Deed of Conveyance which shall be executed upon the Purchase of Land with Moneys arising from the Enfranchisement of Lands within any such Manor (such last-mentioned Memorial being in every Case accompanied by a Plan of the Land purchased); and every such Memorial shall be under the Hand of One of the Parties to the Deed of Enfranchisement, or Conveyance, Award, or Grant; and no such Deed, Award, or Grant shall have Effect until there be written thereon a Certificate signed by the Keeper of Land Revenue Records and Enrolments, that a Memorial thereof hath been lodged at the Office of Land Revenue Records and Enrolments; and in the Absence of Evidence to the contrary of the Fact stated therein such Certificate shall be admissible in Evidence in any Court of Justice or before any Person now or hereafter having by Law or by Consent of Parties Authority to hear, receive, or examine Evidence, without Proof of the Signature thereto, or of the Fact that the Person signing or purporting to sign the same is the Keeper of Land Revenue Records and Enrolments for the Time being; and a Copy of the Enrolment of the Memorial, certified in the Manner provided by an Act passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter Sixty-two, Section Eight, shall be receivable as Evidence of the Deed or Facts referred to in such Memorial.

The Com-  
missioners of  
Woods to  
indemnify  
Trustee for  
the Crown.

XLIX. Every Trustee so nominated by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, shall be absolutely indemnified by the said Commissioners for the Time being, out of the Rents and Profits of the Possessions and Land Revenues of the Crown, of and from all such Costs, Charges, Damages, and Expenses (if any) as he may in anywise whatsoever incur or be put to in consequence of having been so nominated, and which he may not be able to obtain Repayment of out of the Trust Moneys.

The Com-  
missioners  
of the Trea-  
sury to direct  
what Fees  
shall be

L. The Commissioners of Her Majesty's Treasury may direct what reasonable Fees shall be from Time to Time paid in respect of the Revision and Enrolment, as by this Act provided, of any such Deed of Enfranchisement or Conveyance of any Land to be so purchased,

purchased, and such Fees shall be deemed to be Part of the Expenses of the Enfranchisement or Purchase, as the Case may be, and shall be paid or be recoverable accordingly.

taken for  
Enrolment of  
Memorials,  
&c.

LI. Any Manor vested in Her Majesty in right of Her Crown in possession, remainder, or reversion, in Joint Tenancy or Coparcenary with any Subject, may, so far as regards the Rights and Interests of such Subject and of the Tenant of such Manor, be dealt with under the Copyhold Acts, and the Provision of this Act in regard to Enfranchisements in Manors vested in Her Majesty in right of Her Crown in remainder or reversion expectant on an Estate of Inheritance shall apply to Manors so vested in Her Majesty in Joint Tenancy or Coparcenary with any Subject, so far as respects the Share or Interest in any such Manor to which Her Majesty may be so entitled.

Provision as  
to Manors  
held in Joint  
Tenancy  
with the  
Crown.

LII. In the Construction of this Act the Words "Ecclesiastical Corporation" shall not be taken to extend to or include the Cathedral or House of Christ Church, Oxford.

CLAUSE G.  
Interpreta-  
tion.

LIII. This Act shall be taken and construed as Part of the Copyhold Acts, and may be cited either generally under the Term "the Copyhold Acts" or specifically as "The Copyhold Act, 1856."

Act to be  
Part of the  
Copyhold  
Acts.

# Copyhold Acts Amendment.

---

A

## B I L L

[AS AMENDED IN COMMITTEE]

To amend the Copyhold Acts.

(Prepared and brought in by  
Mr. Solicitor General, Mr. Attorney General, and  
Mr. Secretary Walpole.)

---

Ordered, by The House of Commons, to be Printed,  
28 June 1558.

---

[Bill 163.]

Under 3 oz.



## Copyright of Designs Bill.

---

### ARRANGEMENT OF CLAUSES.

---

Preamble.

Short Title ; Sect. 1.

Copyright of Designs Acts and this Act shall be One Act ; 2.

Extension of Term as to Class Ten ; 3.

Copyright not to be prejudiced if Articles marked ; 4.

Pattern may be registered ; 5.

Proprietor to give the Number and Date of Registration ; 6.

Penalty on issuing Articles not so marked ; 7.

Proceedings for Prevention of Piracy in the County Courts ; 8.

Judge of County Court may grant Injunction ; 9.

The Proceedings of County Courts Acts applicable to Proceedings  
for Piracy of Designs ; 10.



17 May 1858. 21 VICT.



A

# B I L L

TO

Amend the Act of the Fifth and Sixth Years of  
Her present Majesty, to consolidate and amend  
the Laws relating to the Copyright of Designs  
for ornamenting Articles of Manufacture.

**W**HEREAS by an Act passed in the Fifth and Sixth Years of Preamble.  
the Reign of Her present Majesty, intituled “ An Act to  
“ consolidate and amend the Laws relating to the Copyright  
“ of Designs for ornamenting Articles of Manufacture,” herein-after  
5 called “ The Copyright of Designs Acts, 1842,” there was granted to  
the Proprietor of any new and original Design in respect of the  
Application of any such Design to ornamenting any Article of  
Manufacture contained in the Tenth Class therein mentioned, with  
the Exceptions therein mentioned, the sole Right to apply the same  
10 to any Articles of Manufacture, or any such Substances as therein  
mentioned, for the Term of Nine Calendar Months, to be computed  
from the Time of such Design being registered according to the  
said Act: And whereas it is expedient that the Term of Copyright,  
in respect of the Application of Designs to the ornamenting of  
[Bill 89.] A 2 Articles



Articles of Manufacture comprised in the said Tenth Class, should be extended, and that some of the Provisions of the said Act should be altered, and that further Provision should be made for the Prevention of Piracy, and for the Protection of Copyright in Designs under the Acts in the Schedule hereto annexed, and herein-after 5 called "The Copyright of Designs Acts:" And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by 10 the Authority of the same, as follows; that is to say,

Short Title. I. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The Copyright of Designs Act, 1858."

Copyright of Designs Acts and this Act shall be One Act. II. The said Copyright of Designs Acts and this Act shall be 15 construed together as One Act.

Extension of Term as to Class Ten. III. In respect of the Application of any new and original Design for ornamenting any Article of Manufacture contained in the Tenth Class mentioned in "The Copyright of Designs Act, 1842," the Term of Copyright shall be *Three Years*, to be computed from the 20 Time of such Design being registered, in pursuance of the Provisions of "The Copyright of Designs Acts," and of this Act: Provided nevertheless, that the Term of such Copyright shall expire on the *Thirty-first of December in the Second Year* after the Year in which such Design was registered, whatever may be the Day of such 25 Registration.

Copyright not to be prejudiced if Articles marked. IV. Nothing in the Fourth Section of "The Copyright of Designs Act, 1842," shall extend or be construed to extend to deprive the Proprietor of any new and original Design applied to ornamenting any Article of Manufacture contained in the said Tenth Class of the 30 Benefits of "The Copyright of Designs Acts," or of this Act: Provided there shall have been printed on such Articles at each End of the original Piece thereof the Name and Address of such Proprietor, and the Word "Registered," together with the Years for which such Design was registered.

35

Pattern may be registered. V. The Registration of any Pattern or Portion of an Article of Manufacture to which a Design is applied, instead or in lieu of a Copy, Drawing, Print, Specification, or Description in Writing, shall be as valid and effectual to all Intents and Purposes as if such Copy, Drawing,

Drawing, Print, Specification, or Description in Writing had been furnished to the Registrar under "The Copyright of Designs Acts."

VI. The Proprietor of such extended Copyright shall, on Application by or on behalf of any Person producing or vending any Article of Manufacture so marked, give the Number and the Date of the Registration of any Article of Manufacture so marked; and any Proprietor so applied to who shall not give the Number and Date of such Registration shall be subject to a Penalty of *Ten Pounds*, to be recovered by the Applicant, with full Costs of Suit, in any Court of competent Jurisdiction.

Proprietor  
to give the  
Number and  
Date of  
Registration.

VII. Any Person who shall wilfully apply any Mark of Registration to any Article of Manufacture in respect whereof the Application of the Design thereto shall not have been registered, or after the Term of Copyright shall have expired, or who shall, during the Term of Copyright, without the Authority of the Proprietor of any registered Design, wilfully apply the Mark printed on the Piece of any Article of Manufacture, or who shall knowingly sell or issue any Article of Manufacture to which such Mark has been wilfully and without due Authority applied, shall be subject to a Penalty of *Ten Pounds*, to be recovered by the Proprietor of such Design, with full Costs of Suit, in any Court of competent Jurisdiction.

Penalty on  
issuing  
Articles not  
so marked.

VIII. Notwithstanding anything in "The Copyright of Designs Acts," it shall be lawful for the Proprietor of Copyright in any Design under "The Copyright of Designs Acts," or this Act, to institute Proceedings in the County Court of the District within which the Piracy is alleged to have been committed, for the Recovery of Damages which he may have sustained by reason of such Piracy: Provided always, that in any such Proceedings the Plaintiff shall deliver with his Complaint a Statement of Particulars as to the Date and Title or other Description of the Registration whereof the Copyright is alleged to be pirated, and as to the alleged Piracy; and the Defendant, if he intends at the Trial to rely as a Defence on any Objection to such Copyright, or to the Title of the Proprietor therein, shall give Notice of his Intention to rely on such special Defence, and shall state in such Notice the Date of Publication and other Particulars of any Designs whereof prior Publication is alleged, or of any Objection to such Copyright, or to the Title of the Proprietor to such Copyright; and it shall be lawful for the Judge of the County Court, at the Instance of the Defendant or Plaintiff respectively, to require

Proceedings  
for Preven-  
tion of Piracy  
in the County  
Courts.

any Statement or Notice so delivered by the Plaintiff or of the Defendant respectively to be amended in such Manner as the said Judge may think fit.

Judge of  
County  
Court may  
grant In-  
junction.

IX. It shall be lawful for the Judge of the County Court, after the issuing of any Plaint for the Piracy of Copyright, and either 5 before or after the Hearing of any Plaint, to grant such Order of Injunction, Inspection, or Account, and from Time to Time to make such Order therein as may appear to him expedient ; and every such Order shall have the same Force and Effect and be capable of being enforced in the same Manner as an Order for an Injunction, Inspec- 10 tion, or Account made by any One of the Superior Courts of Law or Equity : Provided always, that any Person aggrieved by any such Order may appeal to any One of the Superior Courts against the same by Motion, or in such Manner as the Courts may from Time to Time direct. 15

The Proceed-  
ings of  
County  
Courts Acts  
applicable to  
Proceedings  
for Piracy  
of Designs.

X. The Provisions of an Act of the Ninth and Tenth Victoria, Chapter Ninety-five, and of the Twelfth and Thirteenth Victoria, Chapter One hundred, as to Proceedings in any Plaint, and as to Appeal, and as to Writs of Prohibition, shall, so far as they are not inconsistent with or repugnant to the Provisions of this Act, be 20 applicable to any Proceedings for Piracy of Copyright of Designs under the said Copyright of Designs Acts or this Act.





# Copyright of Designs.

---

A

## B I L L

To amend the Act of the Fifth and Sixth Years of Her present Majesty, to consolidate and amend the Laws relating to the Copyright of Designs for ornamenting Articles of Manufacture.

(Prepared and brought in by  
*Mr. Cheetham, Colonel Wilson Patten, and  
Mr. Turner.*)

---

*Ordered, by The House of Commons, to be Printed,  
17 May 1858.*

---

[Bill 89.]

*Under 1 oz.*

12 July 1858. 21 & 22 VICT.



A

# B I L L

TO

Declare and define the respective Rights of Her Majesty and of His Royal Highness the Prince of Wales and Duke of Cornwall to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of Cornwall, and for other Purposes.

**W**HEREAS by Articles of Agreement made and entered Preamble.  
into the First Day of July One thousand eight hundred  
and fifty-eight, between the Honourable Charles Alex-  
ander Gore, a Commissioner of Her Majesty's Woods, Forests, and  
5 Land Revenues, on behalf of the Queen's most Excellent Majesty,  
of the one Part, and His Royal Highness Albert Edward Prince of  
Wales and Duke of Cornwall of the other Part, under the Privy Seal  
of His said Royal Highness in right of the Duchy of Cornwall,  
and the Hand and Seal of the said Charles Alexander Gore, reciting  
10 that Questions having arisen as to whether the Mines and Minerals  
lying under the Seashore between High and Low Water Marks within  
the County of Cornwall, and under the Estuaries and tidal Rivers  
within the same County, and under the open Sea below Low-water  
Mark, adjacent to but not in or Part of the same County, were  
[Bill 204.] A respectively



respectively the Property of Her said Majesty the Queen in right of Her Crown or of His said Royal Highness Albert Edward Prince of Wales in right of His Duchy of Cornwall, Her Majesty's Government and the Council of the Duchy of Cornwall did refer such Questions to the Right Honourable Sir John Patteson, Knight, (late One of the 5 Justices of Her Majesty's Court of Queen's Bench, and a Member of Her Majesty's most Honourable Privy Council,) for his Consideration and Decision, by a Letter of Reference dated the Eighteenth Day of February One thousand eight hundred and fifty-six, signed by Lord Cranworth, Lord High Chancellor of Great Britain, and the Right 10 Honourable Thomas Pemberton Leigh, Chancellor of the Duchy of Cornwall, and set forth in the said Articles of Agreement; and reciting that the said Sir John Patteson, having accepted and entered upon the said Reference, had considered and decided the said Questions as between Her Majesty on the one hand, and His Royal 15 Highness the Prince of Wales and Duke of Cornwall on the other hand, as follows; (that is to say,) first, that the Right to all Mines and Minerals lying under the Seashore between High and Low Water Marks within the said County of Cornwall, and under Estuaries and tidal Rivers and other Places even below Low-water Mark, being 20 in and Part of the said County, is vested in His Royal Highness as Part of the Soil and territorial Possessions of the Duchy of Cornwall; secondly, that the Right to all Mines and Minerals lying below Low-water Mark under the open Sea, adjacent to but not being Part of the County of Cornwall, is vested in Her Majesty the Queen in right of 25 Her Crown (although such Minerals may or might be won by Workings commenced above Low-water Mark and extended below it); and reciting that it was intended that a Bill should be submitted to Parliament for the Purpose of obtaining the Sanction and Ratification by the Legislature of the said Reference and Award; and reciting that 30 upon the Suggestion and Recommendation of the said Sir John Patteson it had been agreed that Provision should be made by the said Bill for the Purpose of giving to Her Majesty the Queen, and all and every Persons and Person who might for the Time being be entitled under or in right of the Crown to or to the Management of any of the said 35 Mines and Minerals under the open Sea, and Her and their Lessees and Tenants, such Facilities to work, win, and get the same as therein-after mentioned upon the Terms and Conditions therein-after also mentioned, it was by the Agreement now in recital witnessed, agreed, and declared, by and between the said Parties thereto, that a Bill should 40 be forthwith submitted to Parliament for the Ratification and Confirmation of the said Reference to Sir John Patteson and his Award thereon; and it was thereby further agreed and declared, that in the said proposed Bill there should be contained the several Provisions specified in the said Articles of Agreement, and which are intended to 45 be

be included among the Enactments herein after contained: And whereas the said Reference did not apply or extend to the Mines and Minerals in or under Estates belonging to Her said Majesty in right of Her Crown in the County of Cornwall situate above High-water Mark, or to Mines and Minerals in or under Land below High-water Mark, which is Part and Parcel of any Manor belonging to Her Majesty in right of Her Crown: Be it therefore enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. All Mines and Minerals lying under the Seashore between High and Low Water Marks within the said County of Cornwall, and under Estuaries and tidal Rivers and other Places (below High-water Mark), even below Low-water Mark, being in and Part of the said County, are, as between the Queen's Majesty in right of Her Crown on the one hand, and His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall in right of His Duchy of Cornwall on the other hand, vested in His said Royal Highness Albert Edward Prince of Wales and Duke of Cornwall in right of the Duchy of Cornwall as Part of the Soil and territorial Possession of the said Duchy; but this Declaration is not to extend to the Mines and Minerals in or under Land below High-water Mark which is Part and Parcel of any Manor belonging to Her Majesty in right of Her Crown.

All Minerals under the Seashore and other Places below High-water Mark in Cornwall are vested in His Royal Highness the Prince of Wales and Duke of Cornwall.

II. All Mines and Minerals lying below Low-water Mark under the open Sea, adjacent to but not being Part of the County of Cornwall, are, as between the Queen's Majesty in right of Her Crown on the one hand, and His Royal Highness Albert Edward Prince of Wales and Duke of Cornwall in right of His Duchy of Cornwall on the other hand, vested in Her Majesty the Queen in right of Her Crown as Part of the Soil and territorial Possessions of the Crown.

All Minerals below Low-water Mark adjacent to the County of Cornwall are vested in the Queen in right of Her Crown.

III. It shall be lawful at all Times hereafter for Her Majesty, Her Heirs and Successors, and all and every Persons and Person who may for the Time being be entitled in right of the Crown to or to the Management of any of the said Mines and Minerals lying below Low-water Mark under the open Sea, adjacent to but not being Part of the County of Cornwall aforesaid, and for Her and their Lessees or Tenants, when and so often and so long as may be necessary for the Purposes herein-after expressed, to take or use or to pass through, over, or under any Lands for the Time being Parcel of the Soil and territorial Possessions of the said Duchy within the said County, and which Lands shall be either in the Occupation

Her Majesty and Her Lessees to have Liberty to work such Minerals through the Lands of the Duchy.

of Tenants under Leases or Agreements made subsequently to the Date of this Act, or in the Occupation of the Duke of Cornwall for the Time being, for the Purpose of making or sinking any Pits, Shafts, Adits, Drifts, Levels, Drains, Watercourses, Pools, or Embankments, and to make, lay, place, use, and repair any Spoil 5 Banks, Roads, Ways, Bridges, and Banks, and to make, erect, and repair any Lodges, Sheds, Steam and other Engines, Buildings, Works, and Machinery in, under, upon, through, over, or along the said Lands, or any Part thereof, which may from Time to Time or at any Time hereafter be required, and to do all such other Acts as may be 10 necessary or convenient for working, searching for, digging, raising, or carrying away, dressing, or making merchantable the same Mines and Minerals, giving to the Duke of Cornwall for the Time being, and to any other Person or Persons who for the Time being may be interested in the Land so required, *Two Months* previous Notice thereof, stating 15 the Nature of the Facilities required, and also making Compensation and Satisfaction to the Duke of Cornwall for the Time being, and to other the Person or Persons, if any, for the Time being interested in the said Lands so taken or used or passed through, over, under, or along in the Manner herein mentioned: Provided always, that no Pit, 20 Shaft, Adit, Drift, Level, Drain, Watercourse, Pool, or Embankment which shall or may weaken, damage, injure, or endanger any House or other Building, shall be sunk, driven, or made, nor shall any Tram-road, Waggon, or other Way, or any Works or Machinery, be placed, laid, made, or erected, nor shall any Minerals be dressed or made 25 merchantable within *Fifty Feet* of any Dwelling House, or upon any Garden or Orchard, or so as to interfere with any Mining Works or Operations for the Time being of the Duke of Cornwall for the Time being, His Lessees or Tenants.

Compensation to be made.

IV. Provided also, That Her Majesty, Her Heirs or Successors, or 30 other the Person or Persons making use of the said Facilities, or any of them, shall make to the Duke of Cornwall for the Time being, and other the Person or Persons, if any, for the Time being interested as aforesaid, Compensation and Satisfaction for such Facilities, and for any Damage or Injury occasioned thereby or consequent thereon, to 35 be ascertained as herein-after provided; and further, that Her Majesty, Her Heirs or Successors, or other the Person or Persons making use of the said Facilities, or any of them, do and shall make, erect, and keep good and sufficient Gates, Rails, Bars, or Posts in all Places where the same shall be necessary or proper, to shut up or 40 enclose any Breach, Gateway, or Opening which shall be made from Time to Time in any of the Fences of the said Lands, and shall also make all Conveniences necessary and proper for the Convenience and Safety of the Owners or Occupiers for the Time being of the said Lands



Lands and other Lands adjoining thereto, and of the Public, in order to prevent any Damage or Inconvenience and Trespasses upon the same Lands, or any of them, by Cattle or other Animals. :

V. In all Cases where the said Facilities or any of them shall be  
5 used upon, through, over, under, or along Lands lying between High-  
water Mark and Low-water Mark Part of the Soil and territorial Possessions of the Duchy of Cornwall, the Compensation and Satis-  
faction to be made shall be a Sum equal to *One Fifteenth* Part of the  
nett Dues or Moneys to be from Time to Time received by Her  
10 Majesty, Her Heirs or Successors, from the Mines and Minerals lying  
below Low-water Mark as aforesaid, which shall be worked and gotten  
by means of the said Facilities, or any of them, in addition to Com-  
pensation and Satisfaction for or in respect of any Building, Wharf, or  
other artificial Structure thereon which may be injuriously affected  
15 by the said Facilities being used upon, through, over, under, or along  
the same, such Compensation and Satisfaction to be settled in the  
same Manner as the Compensation and Satisfaction herein-after pro-  
vided for; and that when the said Facilities or any of them shall be  
used on, through, over, under, or along any Land other than Lands  
20 lying between High-water Mark and Low-water Mark as aforesaid, if  
the Amount of Compensation and Satisfaction to be made for the  
same shall not be determined by Agreement, then and in every such  
Case the Matter in difference shall be settled by Arbitration by Two  
Arbitrators, One Arbitrator to be named by the Officer for the Time  
25 being having the Management of the Land Revenues of the Crown  
in Cornwall, and another Arbitrator to be named by the Duke of  
Cornwall for the Time being, or by the Council of the Duchy for the  
Time being, and the Matter in difference shall be determined by the  
said Arbitrators, or by an Umpire to be appointed by them before  
30 they shall enter upon the Reference; and if such Arbitrators or either  
of them, or such Umpire, shall die or refuse or for Seven Days neglect  
to act, other Persons or another Person shall forthwith be named or  
appointed to supply the Places or Place of the Persons or Person so  
dying or refusing or neglecting to act, in the same Manner as such last  
35 mentioned Persons or Person were or was named or appointed; and  
further, the said Arbitrators or Umpire shall determine by whom and  
how the Costs of the Reference and Award or Umpirage shall in each  
Case be paid, and they or he may call for any Documents in the Pos-  
session or Power of either of the Parties which may be deemed neces-  
40 sary for determining the Matter in difference, and may summon and  
examine upon Oath any Witness, and administer the Oath for that  
Purpose.

Mode of  
ascertaining  
Compensa-  
tion.

Her Majesty  
not to be  
liable for  
any Damage  
done by Her  
Lessees.

VI. Provided always, That Her Majesty, Her Heirs or Successors, shall not be liable to the Payment of Compensation for any Damage done by any Lessee or other Person in or about any searching or working for Mines or Minerals under the Authority of this Act, but that such Compensation shall be payable and paid by the Lessee or 5 other Person committing such Damage, his Heirs, Executors, or Administrators.

Lines of  
High and  
Low Water  
Mark to be  
settled by  
Arbitration  
in case of  
Difference.

VII. In case any Difference shall at any Time arise as to the true Line of High-water Mark or of Low-water Mark, every such Difference shall be settled by Arbitration or Umpirage, in the same Manner and 10 subject to the same Conditions in all respects as is by this Act provided for the Ascertainment in certain Cases of the Compensation and Satisfaction to be made for the Exercise of the Facilities by this Act conferred with reference to the working of Mines and Minerals below Low-water Mark adjacent to the County of Cornwall. 15

Application  
of Dues to  
be received  
by the  
Crown.

VIII. The nett Proceeds of all Dues, Rents, and Moneys to be received by Her Majesty, or Her Successors, in right of Her Crown, and retained under the Provisions of this Act, from or in respect of any Mines or Minerals in or under Land lying below Low-water Mark under the open Sea adjacent to the County of Cornwall shall be 20 applied in manner herein-after directed; that is to say, *Two equal Third Parts* of such nett Proceeds shall be from Time to Time carried to and shall form Part of the Capital of Her Majesty's Hereditary Land Revenues, and shall be applied in the Redemption of any Charges on the Land Revenues of the Crown or in the Purchase of 25 any Lands or Hereditaments, the Redemption or Purchase of which the Commissioners of Her Majesty's Woods, Forests, and Land Revenues are by Law authorized to effect or make out of the Capital of the said Land Revenues, and shall in all other respects be held, laid out, and applied in the same Manner as other Moneys forming Part 30 of the said Capital are by Law directed to be held, laid out, and applied, and the remaining *One equal Third Part* of the said nett Proceeds shall be from Time to Time carried to and shall form Part of the annual Income of the said Land Revenues, and shall be applied accordingly. 35

Interpreta-  
tion Clause.

IX. In this Act the following Expressions and Words shall have the several Meanings hereby assigned to them, unless there is something in the Context repugnant to such Construction; the Expressions "Duke of Cornwall" and "Duke of Cornwall for the Time being" shall comprehend the Personage for the Time being entitled to 40 the Revenues of the Duchy of Cornwall, and shall include Her Majesty,

Majesty, Her Heirs and Successors, when there may be no Duke of Cornwall; the Expression "Mines and Minerals" shall comprehend all Mines and Minerals, and all Quarries, Veins, or Beds of Stone, and all Substrata of any other Nature whatsoever.

- 5 X. Saving always to all and every Persons or Person, Bodies Politic or Corporate, and their respective Heirs, Successors, Executors, Administrators, and Assigns, (other than and except Her said Majesty, Her Heirs and Successors, in right of the Crown, and His said Royal Highness Albert Edward Prince of Wales and Duke of Cornwall, and His Successors, in right of the Duchy of Cornwall aforesaid, and all and every the Person or Persons, Bodies Politic or Corporate, claiming or to claim under or by virtue of any Grant, Lease, Agreement, or Assurance made or entered into by Her said Majesty, Her Heirs or Successors, in right of the Crown, or His said Royal Highness, or His Successors, in right of the Duchy of Cornwall aforesaid, or the Council of the Duchy of Cornwall, at any Time or Times subsequent to the passing of this Act,) and their respective Heirs, Successors, Executors, Administrators, and Assigns, all such Estates, Rights, Titles, Claims, and Demands whatsoever as they or any of them had previous to the passing of this Act, or might or could have had in case this Act had not been passed.
- 10  
15  
20

General  
Saving of  
Rights.

XI. In citing this Act in any Act of Parliament, Deed, or other legal Instrument, it shall be sufficient to refer to it as "The Cornwall Submarine Mines Act, 1858."

Short Title  
of Act.



# Cornwall Submarine Mines.

---

A

## B I L L

To declare and define the respective Rights of Her Majesty and of His Royal Highness the Prince of Wales and Duke of Cornwall to the Mines and Minerals in or under Land lying below High-water Mark, within and adjacent to the County of Cornwall, and for other Purposes.

(*Prepared and brought in by*  
*Mr. Chancellor of the Exchequer, Mr. Solicitor*  
*General, and Mr. Whitmore.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*12 July 1858.*

---

[Bill 204.]  
*Under 1 oz.*

12 July 1858, 21 & 22 VICT.



A

# B I L L

INTITULED

## An Act for the Re-arrangement of the Districts of the County Courts among the Judges thereof.

**W**HEREAS under the Provisions of an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter

Preamble.  
9 & 10 Vict.  
c. 95.

Ninety-five, the whole of England is divided into certain Districts  
5 for the Purpose of holding therein County Courts, and such Districts are divided in unequal Numbers among the Sixty Judges of such Courts: And whereas it is expedient that Provision should be made for the better Division of the Business of the said Courts among the Judges thereof: Be it enacted by the Queen's most  
10 Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. The Nineteenth Section of the said Act is hereby repealed, and it shall be lawful for the Lord Chancellor from Time to Time to  
15 alter the Distribution of the Districts among the Judges of County Courts, and for that Purpose to remove any such Judge from all or any of the Districts of which he is the Judge, for the Purpose of appointing him to any other District or Districts, or to appoint any such Judge to be the Judge of any District or Districts in addition

Lord Chancellor may re-distribute the Business of the Courts among the Judges thereof.

[Bill 195.]

to

to the District or Districts of which he is the Judge, or to remove any such Judge from One or more of his Districts for the Purpose of appointing some other Judge thereto.

Two Persons may be appointed the Judges of One or more Districts.

II. The Lord Chancellor may from Time to Time appoint Two Persons to be the Judges of a District or Districts, and may make 5 such Regulations as to their respective Sittings or otherwise as to the Division of their Duties as he may think right, and each of the Persons when acting as such Judge shall have all such Powers and Authorities as if he had been sole Judge of such District.

Number of Judges not to exceed Sixty.

III. Until Parliament shall otherwise direct, the Judges of the 10 County Courts shall not exceed Sixty in Number.

Rule or Order requiring a Judge or Officer of a County Court to do an Act only to be made by a Superior Court.  
19 & 20 Vict. c. 108. s. 43.

IV. Whereas it is desirable that the Powers given by Section Forty-three of the Act passed in the Session of Parliament holden in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter One hundred and eight, to any Superior Court, 15 or a Judge thereof, should be exercised only by such Superior Court and not by a single Judge: Be it enacted, That no Rule or Summons requiring a Judge or an Officer of a County Court to show Cause why any Act relating to the Duties of his Office should not be done, nor any Rule or Order directing such Act to be done, 20 shall be issued or made except by the Superior Court, and the said Section Forty-three, and any Provisions of the said Act having reference thereto, shall be read and construed as if the Words "or a Judge thereof" were not inserted in the said Section.





# County Court Districts.

A

## B I L L

INTRODUCED

An Act for the Re-arrangement of the  
Districts of the County Courts among  
the Judges thereof.

(*Brought from the Lords 9 July 1858.*)

---

*Ordered, by The House of Commons, to be Printed,*  
12 July 1858.

---

[Bill 195]  
*Under 1 oz.*

27 April 1858. 21 VICT.



A

# B I L L

TO

Extend the Franchise in Counties in England and Wales, and to improve the Representation of the People in respect of such Franchise.

**W**HEREAS it is expedient to extend the Elective Franchise Preamble.  
to many of Her Majesty's Subjects who have not heretofore enjoyed the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent  
5 of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. From and after the *passing of this Act*, every Male Person of full Age, and not subject to any legal Disability, who shall occupy, within any County, or Riding, Parts, or Division of a County, in  
10 England or Wales, except within the Limits of a City or Borough, which shall return a Member or Members to serve in Parliament, or of a Place sharing in the Election for a City or Borough, as Owner or Tenant, any House, Warehouse, Counting-house, Shop, or other Building, being either separately, or jointly with any Land within  
15 such County, Riding, Parts, or Division (except as aforesaid) occupied therewith by him as Owner, or occupied by him therewith as Tenant, of the clear yearly Value of not less than *Ten Pounds*, shall, if duly registered, be entitled to vote in the Election of a Knight or Knights  
[Bill 66.] Right of voting in Counties to be enjoyed by Occupiers of Houses, &c. of the annual Value of 10*l*.



# County Franchise.

---

A

## BILL

To extend the Franchise in Counties in England and Wales, and to improve the Representation of the People in respect of such Franchise.

(Prepared and brought in by  
*Mr. Locke King, Mr. Byng, and Mr. Headlam.*)

---

---

*Ordered, by The House of Commons, to be Printed,  
27 April 1858.*

---

---

[Bill 66.]

*Under 1 oz.*

21 April 1858. 21 VICT.



A

B I L L

FOR

The better Management of County Rates.

**W**HEREAS by an Act passed in the Fifteenth and Sixteenth Years of the Reign of Her present Majesty, Chapter Eighty-one, intituled "An Act to consolidate and amend the Statutes relating to the Assessment and Collection of County Rates in England and Wales," the Justices of the Peace of the several Counties or Divisions of Counties in England and Wales are respectively empowered to appoint a Committee for the Purpose of preparing a Basis or Standard for fair and equal County Rates to be made in their respective Counties and Divisions: And whereas by the Fifty-first Section of the said Act it is amongst other things declared that in the Construction of the said Act the Word "County" shall mean and include any Riding or Division having a separate Commission of the Peace or separate County Treasurer: And whereas certain Counties having One Commission of the Peace are for certain Purposes divided into separate Divisions, each Division having a separate County Treasurer, and such Divisions have been unequally assessed, and Doubts are entertained concerning the Application of the said Act in such Counties, and it is expedient that the Provisions of the said Act should be deemed and declared to be applicable to such Counties generally, and not to separate Divisions thereof particularly:

[Bill 55.] Be

Preamble;

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

The 15 &  
16 Vict. c. 81.  
to apply to  
Counties  
having  
separate  
Divisional  
County  
Treasurers.

I. In any County having One Commission of the Peace, and 5  
being divided into separate Divisions, having each a separate County  
Treasurer, the Provisions of the Act passed in the Fifteenth and  
Sixteenth Years of the Reign of Her present Majesty, Chapter  
Eighty-one, for the Purpose of preparing the Basis or Standard as  
aforesaid, shall be taken and considered to apply to the whole of such 10  
County generally, and not to separate Divisions thereof particularly,  
notwithstanding any Provision contained in the Fifty-first Section of  
the said Act.

Justices of  
Divisions  
to administer  
all Disburse-  
ments for  
County Rates  
in such  
Divisions as  
heretofore.

II. The Justices of such Divisions shall nevertheless at their 15  
General or Quarter Sessions of the Peace, or at any Adjournment  
thereof, administer all Disbursements for the County Rates made in  
respect of Expenses incurred in and for such Divisions, in like Manner  
as they may have heretofore been accustomed to administer the same  
in such Divisions: Provided always, that the Justices usually acting  
in Two or more of such Divisions may, if they shall think fit, agree 20  
to administer and may thereupon administer such Disbursements  
jointly, and such Divisions shall thenceforth be considered for the  
Purposes aforesaid as One Division only and not separate Divisions:  
Provided also, that any Sum heretofore levied or which may be levied  
hereafter for Expenses incurred generally for the whole of any 25  
such County shall be levied and paid by the Divisions of such County,  
in proportion to the total Assessment of such Divisions respectively,  
as ascertained by the Basis or Standard aforesaid.





# County Management.

---

A

## B I L L

For the better Management of County  
Rates.

(*Prepared and brought in by*  
*Sir Edward Kerrison and Lord Heniker.*)

---

*Ordered, by The House of Commons, to be Printed,*  
*21 April 1858.*

---

[Bill 55.]

*Under 1 oz.*

22 June 1858. 21 & 22 VICT.



A

# B I L L

TO

Provide for the Conveyance of County, City, and  
Borough Property to the Clerk of the Peace or  
Town Clerk of the County, City, or Borough.

**W**HEREAS by divers Acts of Parliament Her Majesty's Preamble.  
Justices of the Peace for the several Counties, Cities, and  
Boroughs in England and Wales, in Quarter Sessions  
assembled, are authorized and empowered to purchase and hire Lands,  
5 Tenements, and Hereditaments for certain public Works and  
Purposes within such Counties, Cities, and Boroughs, and they are  
also authorized and empowered to make and enter into Contracts in  
relation to such public Works and Purposes, and for other Purposes  
within their Jurisdiction as Justices of the Peace; but no Provision  
10 is made for the Manner in which such Purchases, Hirings, and  
Contracts are to be carried into effect: For Remedy whereof be it  
enacted by the Queen's most Excellent Majesty, by and with the  
Advice and Consent of the Lords Spiritual and Temporal, and  
Commons, in this present Parliament assembled, and by the Authority  
15 of the same, as follows:

I. In all Cases where by any Act or Acts of Parliament Justices Justices of  
of the Peace of any County, City, or Borough now are or may be the Peace  
hereafter authorized to purchase or to take on Hire, for any of the may order  
[Bill 155.] public Conveyances  
or Grants of



Land, &c. to  
be made in  
the Name of  
Clerk of the  
Peace or  
Town Clerk.

public Uses or Purposes of such County, City, or Borough, any Lands, Tenements, and Hereditaments, it shall be lawful for such Justices of the Peace to order and direct that the Conveyance or Grant thereof shall and may be made and taken to and in the Name of the Clerk of the Peace or Town Clerk, as the Case may be, for 5 the Time being of such County, City, or Borough, and his Successors, upon trust for such public Uses and Purposes; and such Conveyance or Grant, when so made, shall be valid and effectual in the Law, and shall vest such Lands, Tenements, and Hereditaments in such Clerk of the Peace or Town Clerk, and his Successors, upon 10 trust for the Purposes for which the same were purchased and granted and conveyed, and be by him and them held for the public Uses and Purposes aforesaid, or otherwise be by him and them sold, conveyed, and disposed of in such Manner as the Justices of the Peace for the Time being of such County, City, or Borough, in 15 Quarter Sessions assembled, may from Time to Time order and direct.

Contracts  
and Agree-  
ments may  
be entered  
into in the  
Name of  
the Clerk of  
the Peace or  
Town Clerk.

II. Except where otherwise specially provided for by any Act of Acts of Parliament, all Contracts and Agreements to be made and entered into by the Justices of the Peace of any County, City, or 20 Borough, for any of the public Uses or Purposes of such County, City, or Borough, shall and may, by the Order of such Justices, be made and entered into on their Behalf by and in the Name of the Clerk of the Peace or Town Clerk, as the Case may be, for the Time being, of such County, City, or Borough; and all such Contracts and 25 Agreements shall and may be enforced and sued upon by or against the Clerk of the Peace for the Time being of such County, City, or Borough; and no Action, Suit, or Proceeding shall abate or be discontinued by the Death, Resignation, or Removal of such Clerk of the Peace, but the Clerk of the Peace for the Time being shall 30 always be deemed the Plaintiff or Defendant, as the Case may be; and all Costs, Charges, Damages, and Expenses which such Clerk of the Peace may incur or pay or be liable to pay by reason of such Action, Suit, or Proceeding shall be reimbursed to him or paid, by Order of the said Justices of the Peace, by the Treasurer of the 35 County, City, or Borough, out of the County Rates or Rates in the Nature of County Rates raised or to be raised within such County, City, or Borough.

Lands, &c.  
to be vested  
in the Clerk  
of the Peace  
or Town  
Clerk.

III. Except where otherwise specially provided by any Act or Acts of Parliament, all Lands, Tenements, and Hereditaments which 40 shall have been heretofore purchased or hired by the Justices of the Peace of any County, City, or Borough, under the Authority of any Act or Acts of Parliament, for any of the public Uses and Purposes of

- of such County, City, or Borough, and granted or conveyed to any Person or Persons in trust for or on behalf of the said Justices, and which now remain applicable to such Uses and Purposes, shall, from and immediately after the *passing of this Act*, notwithstanding such
- 5 Grant or Conveyance, become and be absolutely vested in the Clerk of the Peace or Town Clerk for such County, City, or Borough, and his Successors in Office, upon the Trusts and for the Uses and Purposes in the Grant or Conveyance thereof respectively declared, and the same Lands, Tenements, and Hereditaments shall be at all
- 10 Times hereafter held, used, and managed, or, when so ordered by the said Justices, sold, conveyed, and disposed of, by the Clerk of the Peace for the Time being of such County, City, or Borough, according to the Orders and Directions of the said Justices of the Peace from Time to Time in Quarter Sessions assembled; and every Sale and
- 15 Conveyance so made and executed by the Clerk of the Peace for the Time being shall be valid in the Law, and effectually vest the Lands and Hereditaments thereby conveyed in the Purchaser or Purchasers thereof.

- IV. All Grants and Conveyances of any Lands, Tenements, and
- 20 Hereditaments heretofore made or hereafter to be made to or in trust for the said Justices, for any of the public Uses and Purposes of such Counties, Cities, and Boroughs, shall be valid and effectual to all Intents and Purposes, notwithstanding the same Grants and Conveyances may not have been or be enrolled, any Law, Statute, or
- 25 Usage to the contrary notwithstanding.

Grants and  
Conveyances  
to be valid  
though not  
enrolled.

# County, &c. Property Conveyance.

---

A

## B I L L

To provide for the Conveyance of County,  
City, and Borough Property to the  
Clerk of the Peace or Town Clerk of  
the County, City, or Borough.

*(Prepared and brought in by  
Mr. Palk and Mr. Miles.)*

---

*Ordered, by The House of Commons, to be Printed,  
22 June 1858.*

---

[Bill 155.]  
*Under 1 oz.*



13 July 1858. 21 & 22 VICT.



A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for the Conveyance of County Property  
to the Clerk of the Peace or Treasurer of the  
County.

- W**HEREAS by divers Acts of Parliament Her Majesty's Preamble.  
Justices of the Peace for the several Counties in England  
and Wales, in Quarter Sessions assembled, are authorized  
and empowered to purchase and hire Lands, Tenements, and Here-  
5 ditaments for certain public Works and Purposes within such Coun-  
ties, and they are also authorized and empowered to make and enter  
into Contracts in relation to such public Works and Purposes, and  
for other Purposes within their Jurisdiction as Justices of the Peace;  
but no Provision is made for the Manner in which such Purchases,  
10 Hirings, and Contracts are to be carried into effect: For Remedy  
whereof be it enacted by the Queen's most Excellent Majesty, by  
and with the Advice and Consent of the Lords Spiritual and  
Temporal, and Commons, in this present Parliament assembled, and  
by the Authority of the same, as follows:
- 15 I. In all Cases where by any Act or Acts of Parliament Justices of the Peace of any County now are or may be hereafter authorized to purchase or to take on Hire, for any of the public Uses or Purposes of such County, any Lands, Tenements, and Hereditaments, Justices of the Peace may order Conveyances or Grants of Land, &c. to be made in  
[Bill 209.]

the Name of  
Clerk of the  
Peace or  
Treasurer.

it shall be lawful for such Justices of the Peace, if they shall think fit, to order and direct that the Conveyance or Grant thereof shall and may be made and taken to and in the Name of the Clerk of the Peace or Treasurer, as the Case may be, for the Time being of such County, and his Successors, upon trust for such public 5 Uses and Purposes; and such Conveyance or Grant, when so made, shall be valid and effectual in the Law, and shall vest such Lands, Tenements, and Hereditaments in such Clerk of the Peace or Treasurer, and his Successors, upon trust for the Purposes for which the same were purchased and granted and conveyed, and be by him 10 and them held for the public Uses and Purposes aforesaid, or otherwise be by him and them sold, conveyed, and disposed of in such Manner as the Justices of the Peace for the Time being of such County, in Quarter Sessions assembled, may from Time to Time order and direct. 15

Contracts  
and Agree-  
ments may  
be entered  
into in the  
Name of  
the Clerk of  
the Peace or  
Treasurer.

II. Except where otherwise specially provided for by any Act or Acts of Parliament, all Contracts and Agreements to be made and entered into by the Justices of the Peace of any County for any of the public Uses or Purposes of such County shall and may, by the Order of such Justices, if they shall think fit, be made and 20 entered into on their Behalf by and in the Name of the Clerk of the Peace or Treasurer, as the Case may be, for the Time being of such County; and all such Contracts and Agreements shall and may be enforced and sued upon by or against the Clerk of the Peace or Treasurer for the Time being of such County; and no Action, 25 Suit, or Proceeding shall abate or be discontinued by the Death, Resignation, or Removal of such Clerk of the Peace or Treasurer, but the Clerk of the Peace or Treasurer for the Time being shall always be deemed the Plaintiff or Defendant, as the Case may be; and all Costs, Charges, Damages, and Expenses which such Clerk 30 of the Peace or Treasurer may incur or pay or be liable to pay by reason of such Action, Suit, or Proceeding shall be reimbursed to him or paid, by Order of the said Justices of the Peace, by the Treasurer of the County, out of the County Rates raised or to be raised within such County. 35

Lands, &c.  
to be vested  
in the Clerk  
of the Peace  
or Treasurer.

III. Except where otherwise specially provided by any Act or Acts of Parliament, on the Resolution of the General Quarter Sessions to that Effect, all Lands, Tenements, and Hereditaments which shall have been heretofore purchased or hired by the Justices of the Peace of any County, City, or Borough, under the Authority of any 40 Act or Acts of Parliament, for any of the public Uses and Purposes of such County, City, or Borough, and granted or conveyed to any Person or Persons in trust for or on behalf of the said Justices, and which

which now remain applicable to such Uses and Purposes, shall, from and immediately after the passing of this Act, notwithstanding such Grant or Conveyance, become and be absolutely vested in the Clerk of the Peace or Treasurer for such County, and his Successors in  
5 Office, upon the Trusts and for the Uses and Purposes in the Grant or Conveyance thereof respectively declared, and the same Lands, Tenements, and Hereditaments shall be at all Times hereafter held, used, and managed, or, when so ordered by the said Justices, sold, conveyed, and disposed of, by the Clerk of the Peace or Treasurer  
10 for the Time being of such County, City, or Borough, according to the Orders and Directions of the said Justices of the Peace from Time to Time in Quarter Sessions assembled; and every Sale and Conveyance so made and executed by the Clerk of the Peace or Treasurer for the Time being shall be valid in the Law; and effectually  
15 vest the Lands and Hereditaments thereby conveyed in the Purchaser or Purchasers thereof.

IV. All Grants and Conveyances of any Lands, Tenements, and Hereditaments heretofore made or hereafter to be made to or in trust for the said Justices, for any of the public Uses and Purposes of such  
20 Counties, shall be valid and effectual to all Intents and Purposes, notwithstanding the same Grants and Conveyances may not have been or be enrolled, any Law, Statute, or Usage to the contrary notwithstanding.

Grants and  
Conveyances  
to be valid  
though not  
enrolled.



County, &c. Property  
Conveyance.

---

A

**B I L L**

[AS AMENDED IN COMMITTEE]

To provide for the Conveyance of County  
Property to the Clerk of the Peace or  
Treasurer of the County.

(*Prepared and brought in by  
Mr. Palk and Mr. Miles.*)

---

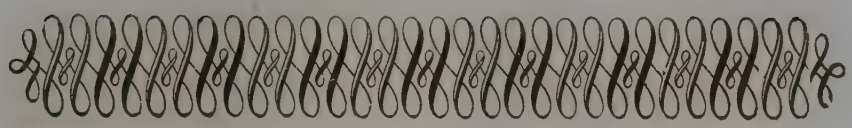
*Ordered, by The House of Commons, to be Printed,  
13 July 1858.*

---

[Bill 209.]

*Under 1 oz.*

29 June 1858. 21 & 22 Vict.



A

# B I L L

TO

## Continue and amend the Corrupt Practices Prevention Act, 1854.

**W**HEREAS an Act was passed in the Session holden in the Preamble.  
Seventeenth and Eighteenth Years of Her Majesty, Chapter 17 & 18 Vict.  
One hundred and two, "to consolidate and amend the c. 102.  
" Laws relating to Bribery, Treating, and undue Influence at Elections  
5 " of Members of Parliament;" and by an Act of the Session holden  
in the Nineteenth and Twentieth Years of Her Majesty, Chapter  
Eighty-four, the said first-mentioned Act was continued until the  
Tenth Day of August, One thousand eight hundred and fifty-seven,  
and thenceforth to the End of the then next Session of Parliament :  
10 And whereas it is expedient that the said first-mentioned Act should  
be further continued and amended: Be it enacted by the Queen's  
most Excellent Majesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same, as follows :  
15 I. It shall be lawful for any Person to pay the actual Travelling  
Expenses bona fide incurred in bringing any Voter to the Poll.  
As to Travelling Expenses of Voters.  
II. And whereas by Section Thirty-four of the said first-mentioned  
Act the Election Auditor is entitled to receive, by way of Remune-  
ration for his Services, Ten Pounds from each Candidate as and by  
[Bill 166.] way mission.  
Section 34 amended as to Election Auditors further Com-

way of First Fee, and a further Commission at the Rate of Two Pounds per Centum from each Candidate upon every Payment made by him for or in respect of any Bill, Charge, or Claim sent in to such Election Auditor as therein provided: The said further Commission shall be payable only upon any Payment made by the Candidate as aforesaid 5 over and above the Sum of *Two hundred Pounds*.

Definition of  
Candidates.

III. So much of Section Thirty-eight of the said first-mentioned Act as defines the Words "Candidate at an Election" shall be repealed, and in the Construction of the said Act as amended by this Act the Words "Candidate at an Election," and the Words "Candi- 10 date at any Election," shall include all Persons elected to serve in Parliament at such Election, and all Persons nominated as Candidates at such Election, or who shall have declared themselves Candidates on or after the Day of the issuing of the Writ for such Election, or after the Dissolution or Vacancy in consequence of which such 15 Writ shall have been issued.

Duration of  
Act.

IV. The said first-mentioned Act as amended by this Act shall continue in force until the *Tenth Day of August One thousand eight hundred and fifty-nine, and thenceforth to the End of the then next Session of Parliament.* 20





Corrupt Practices Prevention  
Act Continuance.

---

A

B I L L

To continue and amend the Corrupt  
Practices Prevention Act, 1854.

(Prepared and brought in by  
*Mr. Secretary Walpole and Mr. Hardy.*)

---

*Ordered, by The House of Commons, to be Printed,  
29 June 1858.*

---

[Bill 166.]

*Under 1 oz.*

16 July 1858. 21 & 22 VICT.



A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

## Continue and amend the Corrupt Practices Prevention Act, 1854.

**W**HEREAS an Act was passed in the Session holden in the Preamble.  
Seventeenth and Eighteenth Years of Her Majesty, Chapter 17 & 18 Vict.  
One hundred and two, "to consolidate and amend the c. 102.

" Laws relating to Bribery, Treating, and undue Influence at Elections  
5 " of Members of Parliament;" and by an Act of the Session holden  
in the Nineteenth and Twentieth Years of Her Majesty, Chapter  
Eighty-four, the said first-mentioned Act was continued until the  
Tenth Day of August, One thousand eight hundred and fifty-seven,  
and thenceforth to the End of the then next Session of Parliament:  
10 And whereas it is expedient that the said first-mentioned Act should  
be further continued and amended: Be it enacted by the Queen's  
most Excellent Majesty, by and with the Advice and Consent of the  
Lords Spiritual and Temporal, and Commons, in this present  
Parliament assembled, and by the Authority of the same, as follows:

15 I. It shall be lawful for any Candidate, or his Agent by him  
appointed in Writing according to the Provisions of the first-mentioned Act, to provide Conveyance for any Voter for the  
Purpose of an Election, but it shall not be lawful to pay any Money  
[Bill 219.] or

As to  
Travelling  
Expenses of  
Voters.



or give any valuable Consideration to a Voter for or in respect of his Travelling Expenses for such Purpose: Provided always, that a full, true, and particular Account of all Payments made for such Conveyance, signed by the Candidate or his Agents, shall be delivered to the Election Auditor, with the Names and Addresses of the Persons 5 to whom such Payments have been made; and the Amount of such Account shall be included in the general Account of the Expenses incurred at any Election to be made out and kept by such Election Auditor.

Section 34  
amended as  
to Election  
Auditors  
further Com-  
mission.

II. And whereas by Section Thirty-four of the said first-mentioned 10 Act the Election Auditor is entitled to receive, by way of Remuneration for his Services, Ten Pounds from each Candidate as and by way of First Fee, and a further Commission at the Rate of Two Pounds per Centum from each Candidate upon every Payment made by him for or in respect of any Bill, Charge, or Claim sent in to such Election 15 Auditor as therein provided: The said further Commission shall be payable only upon any Payment made by the Candidate as aforesaid over and above the Sum of Two hundred Pounds: Provided always, that the Election Auditor shall not be entitled to receive for such First Fee and further Commission more than the Sum of Twenty 20 Pounds in the whole from each Candidate.

Definition of  
Candidates.

III. So much of Section Thirty-eight of the said first-mentioned Act as defines the Words "Candidate at an Election" shall be repealed, and in the Construction of the said Act as amended by this Act the Words "Candidate at an Election," and the Words "Candi- 25 date at any Election," shall include all Persons elected to serve in Parliament at such Election, and all Persons nominated as Candidates at such Election, or who shall have declared themselves Candidates on or after the Day of the issuing of the Writ for such Election, or after the Dissolution or Vacancy in consequence of which such 30 Writ shall have been issued.

Persons pro-  
posing Can-  
didates to be  
jointly liable  
for Expenses  
of Return-  
ing Officer.

IV. For better securing to Returning Officers the Expenses incurred by them in taking Polls at Elections, be it enacted, That the Persons proposing any Candidate shall be jointly liable with such Candidate for the Payment by him to the Returning Officer of an equal Share 35 of the said Expenses.

Election  
Auditor not  
to act as  
Election  
Agent.

V. It shall not be lawful for the Election Auditor of any Borough or County, or his Partner or Agent, to act as Election Agent, or as paid Agent in any Capacity, or Canvasser, for any Candidate for such 40 Borough or County.

VI. The

VI. The said first-mentioned Act as amended by this Act shall continue in force until the Tenth Day of August One thousand eight hundred and fifty-nine, and thenceforth to the End of the then next Session of Parliament. Duration of Act.

Corrupt Practices Prevention  
Act Continuance.

---

A

B I L L

[AS AMENDED IN COMMITTEE]

To continue and amend the Corrupt  
Practices Prevention Act, 1854.

(Prepared and brought in by  
Mr. Secretary Walpole and Mr. Hardy.)

---

Ordered, by The House of Commons, to be Printed,  
16 July 1858.

---

[Bill 219.]

Under 1 oz.



10 June 1858. 21 VICT.



A

B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for Cowley's Charity in the Parish of Swineshead in the County of Lincoln.

**W**HEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-seven, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for Cowley's Charity in the Parish of Swineshead in the County of Lincoln, and such Scheme is set out in the Appendix to the said Report, and is also set out in the Schedule to this Act: And whereas it is expedient that the said Scheme should be confirmed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble.  
5th Report,  
dated 26th  
Feb. 1858.

I. The said Scheme shall be confirmed and take effect.

Scheme  
confirmed.

[Bill 122.]

SCHE-

## SCHEDULE.

## SCHEME

For the APPLICATION and MANAGEMENT of THOMAS COWLEY'S CHARITY, in the Parish of Swineshead, in the County of Lincoln.

1. The Reverend Joseph Watkins Barnes, clerk, formerly vicar of the above-mentioned parish of Swineshead, but now vicar of Kendal, in Westmoreland, and Richard Odlin Milson, formerly of Swineshead aforesaid, but now of Hanging Heaton, in the county of York, surgeon, having respectively ceased to reside in the parish of Swineshead, are hereby discharged from being trustees of the above-mentioned Charity.

2. The following persons shall be the trustees for the administration and management of the said Charity, under the provisions of this scheme viz:— The vicar of the parish of Swineshead and the incumbent of the perpetual curacy of Chapel Hill, in the said parish of Swineshead respectively for the time being; Thomas Holmes and John Cooper, of Swineshead, farmers, two of the present surviving trustees, and Charles John Bullivant Parker, of Hale Park, in the county of Lincoln, Esquire; William Dolby Reddish, of Swineshead aforesaid, gentleman; Francis Sewell, farmer; John Jessop, farmer; Robert Shaw, farmer; William Caswall Ingall, farmer; Charles Henry Little, farmer; Joseph Horner, farmer; John Robert Moss, farmer; and James Allen, farmer, all of Swineshead aforesaid.

3. The office of any trustee under this scheme (not being a trustee by virtue of his office) shall be vacated by death, resignation, bankruptcy, insolvency, incapacity to act, or the omission for a period of two consecutive years to attend any meeting of the trustees; and whenever the number of trustees shall be reduced by the occurrence of vacancies to less than twelve, the remaining trustees for the time being shall elect and appoint some fit person or persons, as the new trustee or trustees, to fill such vacancy or vacancies, so as to make up the number of trustees to twelve; provided that the approval of the Board of Charity Commissioners for England and Wales shall be requisite to the validity of every such election and appointment, and that, until such appointment, the continuing trustees of the Charity shall be competent in all respects to act in the administration of the trust.

4. All the real estate, of whatsoever tenure, and rights and privileges belonging to or held in trust for the Charity, including the school house and its appurtenances in the parish of Swineshead, now used as a parochial school, and all the personal estate belonging to the said Charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall be immediately vested in the said trustees hereby appointed, and shall from time to time vest and continue vested in the trustees of the Charity for the time being for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance.

5. The clear annual income of the Charity, after providing for the proper outgoings and expenses of repairs and management, and after paying thereout, as directed by the founder, the weekly sum of 2s. for providing bread, to be distributed every Sunday to 12 poor inhabitants of Swineshead, and the annual sum of 20s. to the vicar of Swineshead for preaching or causing to be preached  
a sermon

a sermon annually in the parish church of Swineshead on Easter Tuesday, shall be applied by the trustees as follows; that is to say, a yearly sum, to be fixed from time to time by the trustees, according to the requirements of the school, with the sanction of the Board of Charity Commissioners for England and Wales, and not exceeding in any one year the sum of 90*l.*, shall be appropriated and applied by the trustees in or towards the payment of the salaries of the master and mistress, and the general maintenance and support of a school for the instruction of children of the parish of Swineshead, (which shall be called "Cowley's Foundation School,") according to regulations to be established by the said trustees, with the approval of the said Board.

6. The annual residue of the said income which shall remain after providing for the payments aforesaid shall be applied by the trustees, in such manner and proportions as they shall from time to time think most desirable, in providing fuel, blankets, clothing, and other necessities or comforts, to be distributed, according to the discretion of the trustees, amongst the poorest and most deserving persons or families residing in the parish of Swineshead, such persons or families to be selected from time to time by the trustees duly assembled at a meeting, due regard being had to the respective necessities and other claims and qualifications of the several objects.

7. Subject to the provisions herein-before contained, suitable rules shall be established by the trustees, with the approval of the Board of Charity Commissioners for England and Wales, for the administration and management of the Charity by the trustees and for the conduct and regulation of the school, and the master, mistress, teachers, and scholars thereof; and such rules may from time to time be altered or modified by the said trustees, with the like approval: Provided that no alteration shall be made which shall be inconsistent with the principal objects and provisions of this scheme.



# Cowley's Charity.

A

## BILL

INTITULED

An Act for confirming a Scheme of the  
Charity Commissioners for Cowley's  
Charity in the Parish of Swineshead in  
the County of Lincoln.

(*Brought from the Lords 1 June 1858.*)

---

---

*Ordered, by The House of Commons, to be Printed,  
10 June 1858.*

---

---

[Bill 122.]

*Under 1 oz.*

# Cruelty to Animals Act Amendment Bill.

---

## ARRANGEMENT OF CLAUSES.

---

Preamble recites 12 & 13 Vict. c. 92. and 17 & 18 Vict. c. 60.

### I. *Provision against Cruelty to Animals.*

Penalty for Cruelty to Animals; Sect. 1.

Repeal of 12 & 13 Vict. c. 92. s. 2.; 2.

### II. *As to Slaughter-houses.*

Houses for slaughtering Cattle for Butchers Meat to be licensed.

Exceptions; 3.

Repeal of 20 & 21 Vict. c. 135. ss. 35 & 36., and 18 & 19 Vict. c. 120. s. 131.; 4.

General Licensing Meetings to be held annually; 5.

Special Sessions for transferring Licences; 6.

Notice of Application for Licence or Transfer; 7.

Licences in Scotland; 8.

Grant of Licence; 9.

Licence to be annual. To state Party to whom granted. Copy of Sections of Act to be delivered with; 10.

Appeal to Quarter Sessions; 11.

Revocation or Suspension of Licence for Misconduct; 12.

Words to be affixed to the Entrance of Slaughter-houses. Penalty for Neglect; 13.

Penalty for using a Slaughter-house without a Licence or during Suspension; 14.

Penalty for ill treating Cattle in Slaughter-houses; 15.

Inspection of Slaughter-houses; 16.

### III. *As to Drovers of Cattle.*

Penalty on Drovers of Cattle in the Metropolitan Police District acting without a Licence under "The Metropolitan Market Act, 1857;" 17.

### IV. *Miscellaneous Provisions.*

Regulation for the driving of Cattle through the public Streets; 18.

Supply of Water for watering Horses and Cattle; 19.

Horses to be used in Stage and Hackney Carriages to be inspected before the Licence of the Carriage; 20.

Inspection of Cattle to be used in Hackney Carriages out of the Metropolitan Police District; 21.

[Bill 33.]

A

Penalty

- Penalty for producing Horses not intended to be used ; 22.  
Licence revoked if Horses improper for the Service, &c. used ; 23.  
Worn out and disabled Horses may be destroyed by Order of Justices ; 24.  
Imprisonment for flaying Animals while in a living State ; and  
Imprisonment for having in Possession Skins taken from living  
Animals ; 25.  
Penalty for improperly conveying Animals ; 26.  
Fighting or baiting Animals. Penalty ; 27.  
Animals used for fighting or baiting may be seized, forfeited, and  
destroyed ; 28.  
Justices on Information to issue Warrant to enter Places for fighting,  
&c. of Animals ; 29.  
Penalty for letting or placing for Hire Animals in unfit State ; 30.  
Penalties for repeated Offence ; 31.

*V. Procedure.*

- Complaints to be laid within Three Months after Offence committed ; 32.  
Apportionment of Penalties ; Power to commit ; 33.  
Penalties to be apportioned as by 12 & 13 Vict. c. 92. ; 34.  
Appeal by Complainant ; 35.  
Recovery of Penalties in Scotland ; 36.  
Appeal in Scotland ; 37.  
In all Convictions the Complainant to have his reasonable and  
necessary Costs ; 38.  
Construction as One Act of the amending and other Acts. Definition  
of Words ; 39.  
Repeal of Section 30. of 12 & 13 Vict. c. 92. ; 40.  
Acts operative in United Kingdom ; 41.  
Short Title of Act ; 42.

*SCHEDULE OF FORMS.*

---



18 *March* 1858. 21 VICT.



A

# B I L L

TO

Amend the Act of the Seventeenth and Eighteenth  
Years of Her Majesty, Chapter Sixty, for the  
more effectual Prevention of Cruelty to Animals.

**W**HEREAS the Laws for the Prevention of Cruelty to Preamble.  
Animals have been found very beneficial in their Operation,  
but many Cruelties are still practised in the Use and  
Treatment, and driving, carrying, and slaughtering of Animals, which  
5 the present Laws are insufficient to prevent; and it is therefore expedient to amend the Act of the Twelfth and Thirteenth Years of Her 12 & 13 Vict.  
present Majesty, for the more effectual Prevention of Cruelty to Ani- c. 92.  
mals, and the other Act of the Seventeenth and Eighteenth Years of 17 & 18 Vict.  
Her Majesty, to amend the said Act of the Twelfth and Thirteenth; c. 60.  
10 and it is also desirable that all Houses and Places kept or used for  
the Slaughter of Cattle for Butchers Meat should, with a view to  
the Prevention of Cruelties, as well as to the public Health and  
Convenience, be placed under efficient Control, and that other fitting  
Regulations should be made for the better Protection of Animals: Be  
15 it therefore enacted by the Queen's most Excellent Majesty, by  
and with the Advice and Consent of the Lords Spiritual and Tem-  
[Bill 33.] A 2 poral,

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

*I. Provision against Cruelty to Animals.*

Penalty for  
Cruelty to  
Animals.

I. From and after the *passing of this Act*, if any Person shall cruelly or wantonly beat, or shall ill-treat, misuse, or abuse, overdrive, 5 override, or overload, or shall torture, or shall maliciously, cruelly, or by wilful or avoidable Negligence cause suffering to any Animal, or shall wilfully or negligently keep any Animal without proper and sufficient Food, Water, or other necessary Provision, or if any Person shall cause or procure, or authorize to be done or committed, or be 10 aiding or assisting in the doing or committing, of any of the Acts and Offences aforesaid, every such Offender shall for every Offence forfeit and pay a Penalty not exceeding *Ten Pounds*, and may be proceeded against under this Section or under any other Section of this or any of the herein recited Acts applicable thereto. 15

Repeal of  
12 & 13 Vict.  
c. 92. s. 2.

II. The Second Section of the Act passed in the Session holden in the Twelfth and Thirteenth Years of the Reign of Her present Majesty, Chapter Ninety-two, "for the more effectual Prevention of Cruelty to Animals," is from and after the *passing of this Act* hereby repealed. 20

*II. As to Slaughter-houses.*

Slaughter-  
houses to be  
licensed.

Exceptions.

III. From and after the *First Day of December One thousand eight hundred and fifty-eight*, no Person shall keep or use any House or Place for the Business of slaughtering or killing any Cattle for Butchers Meat without a Licence previously obtained for the Purpose under 25 the Provisions of this Act: Provided always, that no such Licence shall be necessary in the Case of any Slaughter-house already provided by a Local Board of Health, or under the Provisions of any Local Act of Parliament, for the Accommodation and at the Expense of any City, Town, Borough, or Place, or already erected or to be 30 erected under "The Metropolitan Market Acts" of the Years 1851 and 1857 or either of them, nor shall any of the Provisions of this Act take away or interfere with any of the Powers conferred by Section One hundred and twenty-eight of the Act of the Tenth and Eleventh of Victoria, Chapter Thirty-four, on the "Commissioners" 35 therein mentioned, save as to licensing.

Repeal of  
20 & 21 Vict.  
c. 135. ss. 35  
and 36.  
18 & 19 Vict.  
c. 120, s. 131.

IV. The Thirty-fifth and Thirty-sixth Sections of "The Metropolitan Market Act, 1857," and the One hundred and thirty-first Section of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty, "for the better Local 40 Management of the Metropolis," are hereby repealed.

V. From

- V. From and after the *passing of this Act*, in every Division of Petty Sessions in every County, City, or Borough, there shall be annually holden a Special Session of the Justices of the Peace, to be called "The General Slaughter-house Licensing Meeting," for the Purpose of granting Licences to Persons keeping or being about to keep Houses or Places to be used for the Slaughter of Cattle for Butchers Meat; and in every County, City, or Borough, except the Counties of Middlesex and Surrey, such Meeting shall be holden on some Day between the *Twentieth Day of August* and the *Fourteenth Day of September* inclusive in every Year; and in the Counties of Middlesex and Surrey the First of such Meetings shall be holden before the *Fourteenth Day of September* in the present Year, and the Second of such Meetings within the *First Ten Days of March One thousand eight hundred and sixty*, and all subsequent Meetings for the said Purpose within the *First Ten Days of the Month of March* in each successive Year; and the Licences granted at such First Meeting in such Counties of Middlesex and Surrey shall, unless previously revoked, remain in force until such Second Meeting as aforesaid; and at every such General Meeting, or at any Adjournment thereof, the Justices, or a Majority of them there assembled, shall, under their Hands and Seals, grant all such Licences for Houses or Places to be so used as aforesaid; and such Justices shall cause public Notice of the Time and Place when and where such General Meetings shall be holden to be affixed to or near the Door of every Parish Church or Chapel, or, where there is no Parish Church or Chapel, in some other conspicuous Place within the respective Districts for which such Meetings shall be holden, at least *Twenty-eight Days* before the Day fixed for the holding of such Meetings.

Licensing  
Meetings  
to be held  
annually.

Notices of  
Licensing  
Meetings.

- VI. The Justices assembled at any such Meeting shall appoint not less than *Two* Special Sessions to be holden in the Division or Place for which such Meeting shall be holden in the Year next ensuing such Meeting, at Periods as near as may be equally distant, at which Special Sessions it shall be lawful for the Justices, or the Majority of them then and there assembled, to license such Persons intending to keep any Houses or Places for the Slaughter of Cattle for Butchers Meat, theretofore kept by other Persons being about to relinquish the Business of slaughtering Cattle at such House or Place, as the said Justices, or the Majority of them, shall, in the Execution of the Powers herein contained, and in the Exercise of their Discretion, deem fit and proper Persons, under the Provisions of this Act, to be licensed as aforesaid; and whenever the Justices shall have appointed such Special Sessions as aforesaid, like Notice of the Day, Hour, and Place for holding every such Special Session shall be given as and in Manner as herein-before is directed to be given for the holding of such General Meeting: Provided, that in the Counties of Middlesex and

Special  
Sessions for  
transferring  
Licences.



Surrey the Justices shall, at their First Meeting to be holden under this Act, appoint a sufficient Number of such Special Sessions, not being less than at the Rate of *Two* for a Year, and at Periods as near as may be equally divided, to be holden in the Period next ensuing between such First and Second Meeting to be holden as 5 herein directed.

Notice of  
Application  
for Licence  
or Transfer  
to be given.

VII. Before any such Licence shall be granted or transferred, every Person desirous of obtaining such a Licence, or a Transfer of any such Licence, shall for *Twenty-one* Days immediately preceding the holding of such General Meeting or Special Session whereat the 10 Application for such Licence or Transfer is intended to be made affix and keep affixed to the outer Door or Gate of the House or Place for which he desires to obtain such Licence or Transfer a Notice in the Form A. in the Schedule to this Act annexed, or as 15 near thereto as Circumstances will permit, in Writing or in Print, in legible Characters, and signed by himself or his Agent thereto authorized, and so that such Notice may be distinctly seen and read, of his Intention to apply for such Licence or such Transfer; and shall, if such House or Place in respect of which such Licence or Transfer is 20 sought be situate within the Limits of the Metropolis as defined by the Act of the Eighteenth and Nineteenth of Victoria, Chapter One hundred and twenty, "for the better Local Management of the Metropolis," give a like Notice in all respects to the Vestry of the Parish or Board of Works for the District constituted under the said 25 last-mentioned Act within which such House or Place may be situate, *Twenty-eight* Days at least next previous to the General Meeting or Special Session at which such Application is intended to be made; and shall, if such House or Place be elsewhere situate, give a like Notice in all respects as to Form and Time to the Local Board of Health, or if 30 there be no Local Board of Health, to the Select Vestry, or if there be no Select Vestry, to the Board of Guardians of the Parish or Place where such House or Place shall be, or if there be no Board of Guardians, to the Board or Commissioners or Persons, by whatsoever Name they may be designated, exercising within the Parish or Place where 35 such House or Place shall be the Powers of paving, cleansing, lighting, or improving the same, or if there be no such Board, Commissioners, or Persons, to the Vestry Clerk, if any such there be, of such Parish, or otherwise to One of the Overseers of the Poor of the Parish or Township within which such House or Place may be situated, to the Intent that such Vestry, Board of Works, Local Board of Health, Select 40 Vestry, Board of Guardians, Board, Commissioners, or Persons, Vestry Clerk, or the Overseers of such Parish or Township, respectively may, if they think fit, show Cause against the Grant or Transfer of any such Licence, and which they are hereby respectively required to do if the House or Place for which such Licence or any Transfer thereof is 45 sought,

sought; or the Party applying for the same, is objectionable in any of the Particulars or Requirements relating thereto next herein-after in Section Nine set forth; and every Person intending to apply for such Licence or Transfer as aforesaid shall also give to the Clerk of the

5 Justices to whom such Application is intended to be made such like Notice in all respects as is herein-before mentioned, *Twenty-one* Days at least next previous to the holding of the General Meeting or Special Session at which such Application is intended to be made; and such Clerk of such Justices shall on Application deliver to any

10 Person requiring the same, and on Payment of *One Shilling*, a true List of all Persons who shall have given to him such last-mentioned Notice; and at all Meetings or Sessions under this Act for granting or transferring such Licences, and at all Sessions whereat Licences are authorized to be granted under the Act of the *Twenty-sixth* of

15 George the Third, Chapter *Seventy-one*, intituled "An Act for regulating Houses and other Places kept for the Purpose of slaughtering

20 "Horses," the Applicant for and any Person desiring to oppose the granting or transferring of any Licence authorized by this or the said lastly recited Act shall be heard by himself, his Counsel or Attorney, for or against the granting or transferring of such Licence.

VIII. All the Powers by this Act given to Justices for the licensing or transferring of Licences of Houses or Places to be used for the slaughtering of Cattle for Butchers Meat, and of revoking or suspending the same, shall in Scotland be exercised by the Sheriff of the

25 County or the Magistrates of the Borough or Town Corporate wherein such Houses or Places are respectively situate; and all Notices required by this Act to be given to or by Justices of the Peace shall be given to or by such Sheriff or Magistrates respectively; and all Notices required by this Act to be given to Vestries,

30 Board of Works, Local Boards of Health, Select Vestries, Boards of Guardians, Boards, Commissioners, or Persons, or Vestry Clerks, or Overseers of the Poor, as herein-before provided, shall be given in Scotland by Advertisement for *Three* successive Weeks next preceding the holding of the General Meetings and Special Sessions respectively

35 whereat Application for any such Licence as herein-before mentioned, or any Transfer thereof, is intended to be made, in One or more Newspapers ordinarily circulating within the District in which the House or Place for such Licence for which or a Transfer of any Licence whereof is intended to be sought is situate; and all Acts required to

40 be done by and all Penalties imposed on Clerks of Justices elsewhere shall in Scotland be done by and are hereby imposed on the Clerks of such Sheriff or Magistrates respectively.

Licences in  
Scotland.

IX. No such Licence shall be granted or transferred unless such Justices, or in Scotland such Sheriff or Magistrates respectively, be

45 satisfied that the House or Place proposed to be so used is properly

{33.] A 4 situated,

Grant of  
Licence.

situated, and is by Space and internal Arrangements and otherwise fully adapted for the Purpose, and is supplied with Water and fitting Drainage, and other Appliances, Means, and Conveniences for Cleanliness, and for the fitting Accommodation of Cattle therein, and the Separation therein of Cattle awaiting Slaughter from Cattle being 5 slaughtered there, and for the Avoidance of unnecessary Suffering to the Cattle to be there slain, and for the fitting Exclusion from public View of the slaughtering there carried or to be carried on, and that the Person applying for such Licence or Transfer thereof is a proper Person to receive the same, and not likely to commit any Breach of 10 any sanitary Law or Regulation, or of the Acts for the Prevention of Cruelty to Animals.

Licence  
annual.

To state  
Party to  
whom  
granted.

Copy of  
Sections of  
Act to be  
delivered.

X. Save as before excepted for the First Licences to be granted in the Counties of Middlesex and Surrey, no Licence under this Act for the Use of any House or Place for the Slaughter of Cattle for 15 Butchers Meat shall be granted or be in force for a Period exceeding *One Year* from the granting of the same; and every such Licence shall be in the Form B. in the Schedule of this Act, or as near thereto as Circumstances will permit, and every Licence shall state upon the Face of it the Premises licensed, and the Name of the Party in whose 20 Favour, as the Occupier of the House or Place licensed, the same is granted; and every Transfer shall be in the Form C. in the Schedule of this Act, or as near thereto as Circumstances will permit; and for every such Licence or Transfer thereof, before the same respectively shall be delivered out, there shall be paid to the Clerk of the Justices, 25 Sheriff or Magistrates as aforesaid granting the same, by the Party applying for such Licence or Transfer respectively, the Fee of *Five Shillings* and no more, and with every such Licence and Transfer respectively there shall be delivered out by such Clerk, to the Person entitled to such Licence or Transfer respectively, a Copy, in distinct 30 and conspicuous Print, of the several Sections of this Act, from Three to Sixteen, both inclusive, signed by such Clerk, and for such Copy so signed a Fee of *One Shilling and Sixpence* and no more shall be paid by the Party applying for the said Licence or Transfer, as the Case may be, to every such Clerk for his own Use; and if any 35 such Clerk shall fail so to deliver such Copy of all such Sections as aforesaid, or shall refuse or neglect to deliver on Application, to any Person requiring it, a true List of all Persons who shall have given to him such Notice of Application for such Licence or Transfer as herein-before mentioned, he shall forfeit a Penalty of *Twenty Shillings* 40 for every such Omission and Offence, and shall not be entitled to any Fee for the said Licence or Transfer whatsoever; and if any such Clerk shall take or demand any greater Fee than is by this Act authorized to be taken, he shall for every Offence forfeit a Penalty not exceeding *Five Pounds*.

45

XI. Any



- XI. Any Person, elsewhere than in Scotland, who thinks himself aggrieved by any Act of any Justice done in or concerning the Grant or Refusal of any Licence for a Slaughter-house, or any Transfer thereof as herein-before authorized, may appeal against such
- 5 Act to the next General or Quarter Sessions of the Peace holden for the County or Place wherein the Cause of such Complaint has arisen, unless such Session be holden within *Twelve* Days next after such Act has been done, and in that Case to the next subsequent Session holden as aforesaid, and not afterwards; and such
- 10 Appeal shall be subject to the same Provisions and Conditions as to previous Notice to the Parties whose Decision is appealed against and Recognizances for trying such Appeal, and as to the Hearing, and Judgment of the General or Quarter Sessions thereon, with the same Powers of awarding and enforcing Costs relative thereto, as are contained in
- 15 the Act passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act to regulate the granting of Licences to "Keepers of Inns, Alehouses, and Victualling Houses in England," in the same Manner as if the Provisions contained in the said Act relating to Appeals were re-enacted in this Act.
- 20 XII. In all Places it shall be lawful for the Justices of the Peace of the County, City, or Borough, at General or Quarter Sessions, upon Application and Complaint made to them in Writing by any Person, and upon Proof made to them that he has given *Fourteen* Days previous Notice in Writing thereof to the Clerk of the Peace of such
- 25 County, City, or Borough respectively, and also to the Party complained against, and upon Proof to the Satisfaction of such Justices, that any Person to whom such a Licence has been granted or been transferred has been guilty of any Breach or Violation of the Laws, or of any sanitary or any other Regulations for the Control and Manage-
- 30 ment of the House or Place so licensed as aforesaid, or of the Laws for the Prevention of Cruelty to Animals, or of any Offence against the Tenor of such Licence, to cancel and wholly put an end to such Licence, and from thenceforth the same shall be of no Force or Effect, or the said Justices may suspend the same for such Time as to them
- 35 shall seem fit, and the said Justices, on the Determination of such Application and Complaint, shall have all the like Powers of awarding and enforcing Costs attendant on such Application and Complaint, either for or against the Party complaining or the Party complained against, as to them shall seem fit, as are contained in or conferred by
- 40 the said last herein recited Act of the Ninth of George the Fourth.

Appeal to  
Quarter Ses-  
sions.

Revocation  
or Suspension  
of Licence.

XIII. Every Person who occupies or uses any House or Place licensed under the Provisions of this Act for the Business of killing or slaughtering Cattle for Butchers Meat shall cause to be painted or affixed

Words to be  
affixed to the  
Entrance of  
Slaughter-  
houses.

over the outer Door or Gate of such House or Place, in conspicuous and legible Characters, his Name, together with the Words and Figures, "Licensed for slaughtering," *see 10 (middle)* Victoria, Chapter *see 10 (middle)*, and if such Person do not cause his Name and the said Words and Figures to be so painted or affixed, he shall 5 forfeit and pay for such Offence a Penalty not exceeding *Five Pounds*, and shall also forfeit and pay a Penalty not exceeding *Forty Shillings* for every Day during which his Neglect continues.

Penalty for using a Slaughter-house unlicensed.

XIV. If any Person use or assist in using any unlicensed House or Place, or any House or Place the Licence of which has been 10 revoked, or at any Time during which the Licence thereof has been suspended, for the Business of slaughtering or killing of any Cattle for Butchers Meat, he shall for every Offence, on Conviction thereof, forfeit and pay a Penalty of *Five Pounds*, and a further 15 Penalty for every Animal slaughtered or killed therein, not exceeding *Forty Shillings*.

Penalty for Ill-treatment of Cattle in Slaughter-houses.

XV. If any Person who has obtained or shall hold a Licence for the slaughtering of Cattle for Butchers Meat under this or any other Act, or shall use any House or Place provided or authorized for the Purpose under any other Act, or any other Person shall ill-treat or 20 abuse or wantonly wound or torture any Animal, or before or in the Process of slaying or preparing for Slaughter any Animal shall subject the same to any unnecessary Suffering, or cruelly, wantonly, carelessly, or unnecessarily increase or prolong the Suffering of any Animal in or about or preparatory to the Process of Slaughter, in any 25 House or Place for which such Licence shall have been granted, or in the Occupation or Use of the Person who has obtained or who shall hold such Licence, or in any House or Place provided or authorized for the Purpose under any Act of Parliament or otherwise, or elsewhere, or shall cause or procure or authorize to be done or be aiding 30 or assisting in the doing of any of the Acts aforesaid, every such Person shall for every such Offence forfeit and pay a sum not exceeding *Five Pounds*.

Inspection of Slaughter-houses.

XVI. It shall be lawful for any Constable, and every Inspector of Nuisances, Officer of Health, Medical and other Officer under any 35 Vestry, Board of Works, Local Board of Health, Select Vestry, Guardians of the Poor, or other Board, Commissioners, or other Persons exercising the Powers of paving, lighting, cleansing, or improving, and having Authority in the Parish or District where any House or Place licensed or used as aforesaid shall be 40 situate, or to whom, under Section Seven of this Act, Notice of an Application for such Licence or any Transfer thereof as aforesaid



said is required to be given by any Applicant for the same, from Time to Time and as he may think fit, whether alone or in company with any other Person or Persons whom he may think fit to accompany him, by Authority of this Act to enter upon and  
5 view and inspect all and every the Houses, Stables, Sheds, Yards, Grounds, and Premises, and every and any Place licensed, erected, or used, whether under this Act or any other Act, or under any Authority whatever, for the Purposes of slaughtering Cattle for Butchers Meat, or licensed under the Act of the Twenty-sixth of  
10 George the Third, Chapter Seventy-one, for regulating Places kept for slaughtering Horses, and to visit and inspect any Animal or Animals from Time to Time found in or upon any Part thereof; and any Person obstructing any such Person or Persons so acting shall, in addition to any other Penalties to which he may in Law be liable, forfeit and pay  
15 for every Offence a Penalty not exceeding *Five Pounds*.

*III. As to Drivers of Cattle.*

XVII. From and after the *passing of this Act* the Restriction in the Twenty-first Section of "The Metropolitan Market Act, 1857," of the Metropolitan Police District to the District as defined by the  
20 Second and Third of William the Fourth, Chapter Sixty-four, shall cease; and it shall not be lawful for any Person to act as a Drover in driving or to aid or assist in driving any Cattle within any Part of the Metropolitan Police District, unless such Person shall have a Licence so to do granted to him as in the said last-recited Act  
25 and Section provided; and any Person who shall act as Drover in driving or who shall aid or assist in driving any Cattle within the Metropolitan Police District without having such Licence as by such last-recited Act and Section directed, shall for every such Offence forfeit a Sum not exceeding *Forty Shillings*; and every licensed  
30 Drover and every Person licensed to assist in driving Cattle under the said last-recited Act shall at all Times, wherever employed in driving or in assisting in driving Cattle, wear his Badge, delivered under the said last-recited Act and Section, conspicuously upon the upper Part of the left Arm, and in such Manner that the Number  
35 painted or engraved or embossed thereon shall at all Times be distinctly legible; and every licensed Drover and every Person licensed to assist in driving Cattle who shall drive or assist in driving Cattle in any Place or at any Time without wearing such Badge in such conspicuous Manner, and so that the same shall be distinctly legible  
40 as aforesaid, shall for every such Offence forfeit a Sum not exceeding *Forty Shillings*, and for any and every Offence may be proceeded against either under this Act or "The Metropolitan Market Act, 1857:" Provided that no such Penalty shall be imposed under both such Acts for one and the same Offence.

Penalty on Drivers of Cattle in the Metropolitan Police District acting without Licence or not wearing Badges.  
20 & 21 Vict. c. 135.



IV. *Miscellaneous Provisions.*

Regulation  
for the  
driving of  
Cattle  
through  
public  
Streets.

XVIII. It shall be lawful for the Council of any Corporate Borough, or for the Local Board of Health of any District not consisting exclusively of the whole or Part of any Corporate Borough, or of Two or more such Boroughs, or, where there is no such Borough, 5 Council, or Board of Health, for any select or elected or other Vestry, or Board of Commissioners, Trustees, or Directors, or District Board, or other Persons having Control of the public Roads or Highways of the Parish, Town, District, or Place, by whatsoever Name they be designated, from Time to Time to make Byelaws or Regula- 10 tions, and to alter and amend the same, for the driving of Cattle along and through the public Streets, Roads, and Places within the local Limits of their Jurisdiction respectively, to be made in the same Manner and to be enforced by the same Penalties and Proceedings as other Byelaws or Regulations lawfully made by such Council, Local 15 Board, Vestry, Commissioners, or other Persons.

Supply of  
Water for  
Horses and  
Cattle.

XIX. Every Council of a Corporate Borough, and Local Board of Health, select or elected or other Vestry, or other Board, Commissioners, Trustees, or Persons as aforesaid, and every Surveyor of Highways, shall, notwithstanding anything in any Act contained, within their 20 respective Jurisdictions, find, provide, and effectively maintain a sufficient Supply of Water at all Times of the Day and Night, in Tanks, Troughs, or other fitting Vessels, and at convenient Places, for the gratuitous watering of Horses, Cattle, and Animals brought to or standing at any Fair or Market or Place of public Sale or 25 Stand for the Hire of Animals of Draught or Burden, or passing along or through any City, Borough, Town, District, or Place where such Provision shall so be, and also may, as and when they see fit, find, provide, and effectively maintain a sufficient and constant Supply of Water at all Times of the Day and Night, in Tanks, Troughs, 30 and other fitting Vessels as aforesaid, at convenient Places within their Jurisdiction, for the gratuitous watering of Horses, Cattle, and Animals passing through or along or upon the public Roads or Highways of any Town, District, Parish, or Place, and may pay the Expenses necessarily incurred in finding, making, and effectively main- 35 taining such Supply, and the Appurtenances necessary for the same, out of the Borough Fund of such Borough, or out of the general Rate of such District, or the Rates and Funds under the Control or at the Disposal of such Commissioners, Board, Vestry, or other Persons respectively, and in Places where there is no such Council or Local 40 Board of Health, select or elected Vestry, other Board, Commissioners, Trustees, or Persons as aforesaid, the Surveyors of Highways or Board of Highways, or Persons performing the Duties of Surveyors of

of Highways, shall provide and so maintain such Supply of Water in all respects as aforesaid, and may pay the Expenses incurred in making and so maintaining such Supply out of the Rates made for the Maintenance of the Highways.

- 5 XX. From and after the *passing of this Act*, the Commissioners of Police for the Metropolis shall not grant any Certificate that any Carriage is in a fit and proper Condition for public Use, unless the Person applying for the same shall, in addition to the Production for their Inspection of the Carriage proposed to be licensed, as by the Act  
 10 of the Sixteenth and Seventeenth of Her present Majesty, Chapter Thirty-three, is now required, also produce a Certificate under the Hands of Two respectable Householders living within the District of the Metropolitan Police that such Person is to their Knowledge the actual Owner of a Horse or Horses sufficient and proper for the Draught  
 15 and Service of such Carriage, and of their Belief that it is his bonâ fide Intention to use such Horse or Horses for such Draught and Service, nor unless and until such and the same Horse or Horses is or are produced and submitted to the Inspection of such Commissioners; and if such Commissioners be satisfied that the Horse or  
 20 Horses so submitted to their Inspection are sufficient and proper, and is or are the Cattle intended to be used for the Draught and Service of such Carriage, they may, but not otherwise, grant the Certificate required by the Act of the Sixteenth and Seventeenth Victoria, Chapter Thirty-three, Section One.
- 25 XXI. From and after the *passing of this Act*, where any local Commissioners or other Persons whatsoever have Authority to grant any Licence to any Hackney or other Coach or Carriage, or to ply for Hire of any such Coach or Carriage, in any City, Town, District, or Place not within the Limits of the Metropolitan Police District,  
 30 it shall not be lawful for such Commissioners or other Persons to grant any such Licence to them unless the Person applying for the same produce a Certificate under the Hands of Two respectable Householders living in such City, Town, District, or Place, that such Person is to their Knowledge the actual Owner of a Horse or  
 35 other Cattle sufficient and proper for the Draught and Service of such Coach or Carriage, and of their Belief that it is his bonâ fide Intention to use such Horse or other Cattle for such Draught and Service, nor unless and until such Horse or other Cattle be submitted to the Inspection of such Commissioners or Persons having  
 40 Authority to grant such Licence, and they be satisfied that the same is sufficient and proper, and is the Horse or Cattle intended to be used for such Draught and Service.

Horses to be used in Stage and Hackney Carriages to be inspected before licensing.

Inspection of Cattle to be used in Hackney Carriages out of the Metropolitan Police District.



Penalty  
for pro-  
ducing  
Horses not  
intended to  
be used.

XXII. If any Person produce or cause to be produced, or be aiding or assisting in producing, to the Commissioners of Police for the Metropolis, or to any local Commissioners or other Persons whatsoever having Authority to grant such Licences as last aforesaid not within the Limits of the Metropolitan Police District, any Horse or other Cattle other than the Horse or Cattle really intended to be used in the Service of the Coach or Carriage for which a Licence shall be sought, every such Person shall for every such Offence, on Conviction thereof, forfeit and pay a Penalty not exceeding *Five Pounds* nor less than *Forty Shillings*. 10

Licence to  
be revoked  
if improper  
Horses be  
used.

XXIII. If it come or be brought to the Knowledge of the Commissioners of Police for the Metropolis, or of the local Commissioners or other Persons whomsoever having elsewhere Authority to grant any such Licence of any Hackney or other Coach or Carriage, and they respectively be satisfied, that the Horse or Horses or any Cattle used or in use in the Service of such Coach or Carriage at any Time after the granting of such Certificate or Licence was or were or is or are not fitted for the due and proper Service of such Coach or Carriage, or was or were or is or are unfit for Use therein, the said Commissioners or other Persons as aforesaid shall thereupon forthwith recall and revoke the Licence then existing of such Hackney or other Coach or Carriage, and the same shall thereupon be wholly void, and the said Commissioners or other Persons as aforesaid shall forthwith give Notice of such Revocation to the Commissioners of Inland Revenue. 25

Worn out  
or disabled  
Horses, &c.  
may be de-  
stroyed, by  
Order of a  
Justice.

XXIV. In any Case where a Complaint is made, under this or either of the said recited Acts, before any Justice, of the cruel Treatment or of the State of any Horse or other Animal, if it appear to such Justice, by the Evidence of a Veterinary Surgeon or otherwise to his Satisfaction, that such Horse or other Animal is permanently disabled or worn out, diseased, or unfit for Work, it shall be lawful for such Justice, whether or not the Owner of such Horse or other Animal or any other Person be liable to or adjudged to pay any Penalty under any of the said Acts, to make an Order (such Owner being present or not appearing having being first summoned) for the Slaughter of such Horse or other Animal; and when any Summons is issued for the Attendance of such Owner, the Justice may order such Horse or Animal to be detained until the Time named in the Summons, and may make an Order on such Owner for any Expenses incurred in or about the Detention or Keep of such Horse or Animal, and the conveying the same for Slaughter, and the slaughtering thereof, to be enforced and recovered in the same Manner as Penalties or Forfeitures under the said first-recited Act; provided always, that if it 30 35 40



it shall appear to the Satisfaction of the Justice that such Horse or other Animal ought to be immediately slaughtered without the Delay of any Summons to the Owner thereof, it shall be lawful for such Justice to order the slaughter thereof immediately, and the said  
 5 Horse or other Animal shall be slaughtered accordingly; and it shall be lawful for such Justice to direct any Proceeds arising from the Sale of such Horse or other Animal when dead to be applied as to such Justice shall seem fit.

XXV. If any Person flay or strip off the Skin of any Animal, in  
 10 whole or in part, while such Animal is alive, or if any Person purchase, receive, or have in his Possession the Skin or Fur of any Animal knowing or having Cause to believe that such Skin or Fur was taken from the Body of such Animal before the Life of such Animal was extinct, every such Person, being convicted thereof  
 15 before any Justice of the Peace, shall be imprisoned in the House of Correction, either with or without Hard Labour, as to such Justice may seem fit, for any Term not exceeding *Six* nor less than *Two* Months.

Punishment by Imprisonment for flaying Animals in a living State, or having in Possession Skins taken from living Animals.

XXVI. If any Person place, convey, or carry, or cause or permit  
 20 to be placed, conveyed, or carried, in or upon any Vehicle or otherwise, or in or upon any Ship or Vessel, or remove or cause or permit to be removed to or from any Vehicle, Ship, or Vessel, or keep, before or during or after such Placing, Conveyance, or Carriage, any Animal in such a Manner or Position, or without such sufficient and proper  
 25 Space, Food, Drink, or other necessary Provision, or so wantonly, carelessly, or negligently treat such Animal as to subject such Animal to Injury or to avoidable or unnecessary Suffering or Exhaustion, or if any Person aid or assist in any of the Acts and Offences aforesaid, every such Person shall forfeit and pay a Penalty not exceeding *Forty*  
 30 *Shillings* for every Animal so placed, conveyed, carried, removed, or kept, to be recovered, in the Case of any Joint Stock Company, by Distress of the Goods of such Company; and the Justice by whom the Penalty is adjudged, or any other Justice, on Application, shall issue his Warrant accordingly.

Penalty for improperly conveying Animals.

XXVII. When any Person is convicted under the first-recited Act of keeping or using or acting in the Management of any Place for the Purpose of fighting or baiting any Bull, Bear, Badger, Dog, Cock, or other Animal (whether of domestic or wild Nature), or of permitting or suffering any Place to be so used, or encouraging, aiding,  
 40 or assisting in any such Fighting or Baiting, the Justice before whom he is convicted shall, in addition to the highest Penalty by the said first-recited Act imposed, commit the Offender to the House of

Fighting or baiting Animals, Imprisonment.

Correction, there to be imprisoned, with or without Hard Labour, for any Term not exceeding *Six* nor less than *Two* Calendar Months; and every Person found present at any such Fighting or Baiting, or taking part in any Preparation for the same, shall be deemed to be encouraging, aiding, and assisting at such Fighting or Baiting. 5

Animals  
used for  
fighting or  
baiting may  
be seized,  
forfeited, and  
destroyed.

XXVIII. In any Case where any Bull, Bear, Badger, Dog, Cock, or other Animal, whether of a domestic or wild Nature, is baited or incited to fight or to bait, it shall be lawful for any Constable to seize and take and keep Possession of such Animal until a Decision of a Justice can be obtained; and the Justice, in addition to the Penalty and Punishment to which the Owner of any such Animal or any other Persons may by Law be liable, may adjudge the Forfeiture of such Animal, and may direct how the same, or the Value or Proceeds thereof, shall be disposed of, and, if he see fit, may direct that the said Animal be destroyed, and that some Constable or other Person forthwith see the same forthwith destroyed accordingly in some Place fitting for the Purpose, and the said Justice shall order the Payment of any Expenses incurred in the Detention or Destruction thereof to be paid by the Owner and recovered as Penalties are recovered under the first-recited Act. 10 15 20

Justice on  
Information  
to issue  
Warrant to  
enter Places  
for fighting,  
&c. of  
Animals.

XXIX. And whereas the Practice of fighting and baiting Animals is often carried on secretly and in Places not open to the Public: Every Justice before whom Information shall be laid on which there is Reason to believe that any House, Building, or Place, of whatever Description, has been or is used or is about to be used for the Purpose of fighting or baiting any Bull, Bear, Badger, Dog, Cock, or other Animal, whether of a domestic or wild Nature, shall issue his Warrant authorizing any Constable or other Person to enter upon and view any and all Parts of such House, Building, or Place, and all Premises and Appurtenances connected therewith; and it shall be lawful for any such Constable or other Person by such Warrant authorized, and without or with any other Person or Persons in his Company, to enter upon and view any and all Parts of such and every such House, Building, or Place, and all Premises and Appurtenances connected therewith, and all and every Persons and Person in or on the same or any Part thereof found offending against this or the said firstly recited Act to take into Custody, and bring before the same or some other Justice, to be dealt with according to Law. 25 30 35

Penalty for  
letting or  
placing  
for Hire

XXX. If any Person let for Hire, or place for Hire in any public or other Place, or cause, procure, or authorize to be let for Hire, or to be placed for Hire in any public or other Place, any Horse or other Animal 40

Animal unfit from any Cause for Use, or if any Person set or put to Use, or cause, procure, or authorize to be set or put to Use, any Animal in any Work when the same is from any Cause unfit for Work, or if any Person shall aid or assist in any of the Acts and  
 5 Offences aforesaid, every such Offender shall for every such Offence forfeit and pay a Penalty not exceeding *Forty Shillings*.

Animals in  
unfit State.

XXXI. In case any Person be convicted a Second Time or any greater Number of Times under any of the Provisions of this Act, or of any or either of the Acts herein-after authorized to be  
 10 construed together with this Act as One Act, or the "Metropolitan Market Act, 1857," Sections Eighteen and Twenty-one, whether for the same or for any different Offence or Offences, it shall be lawful for any Justice before whom such Second or subsequent Conviction takes place to order the Payment by the Offender of a  
 15 Penalty not exceeding *twice* the Amount of the Penalty imposed by the Act for the Offence of which he is so last convicted; and in case any Person be so convicted subsequently to any such Second Conviction, the Justice before whom the Offender is so subsequently convicted shall, in addition to any pecuniary Penalty the Payment  
 20 of which he may see fit to order, commit such Offender to the House of Correction for *Three Months*, with or without Hard Labour, as he may see fit.

Penalties  
for repeated  
Offences.

*V. As to Procedure under these Acts.*

XXXII. Notwithstanding anything contained in the said firstly-  
 25 recited Act of the Twelfth and Thirteenth Years of Her Majesty, or any other Act, to the contrary, if any Complaint under the Provisions of this Act, or under any or either of the Acts herein-after authorized to be construed together with this Act as One Act, be made within *Three Months* after the Cause of Complaint, such Complaint shall  
 30 be heard and determined in the Manner provided by the said first and secondly recited Acts, or if in Scotland in the Manner provided by this or any of the said Acts for the Purpose.

Complaints  
to be heard  
within *Three*  
Months after  
Offence com-  
mitted.  
12 & 13 Vict.  
c. 92. s. 14.

XXXIII. It shall not be lawful for any Justice, or in Scotland for any Sheriff or Magistrate, or other Party before whom any Conviction  
 35 under this or any of the Acts hereafter authorized to be construed together with this Act as One Act shall take place, in any Case not specially provided for by this or any of such last-mentioned Acts, to adjudge a less Forfeiture than *Ten Shillings*, any existing Act or Acts to the contrary notwithstanding; and on any Conviction for any  
 40 Offence under this or any or either of such Acts herein-after authorized to be construed with this Act as One Act, or the "Metropolitan Market Act, 1857," Sections Eighteen and Twenty-one, it shall be

Apportion-  
ment of  
Penalties.



Power to  
commit.

Repeal of  
Provisoes  
12 & 13 Vict.  
c. 92. s. 18.  
13 & 14 Vict.  
c. 92. s. 8.  
(Scotland).

lawful for any Justice, or if in Scotland for any Sheriff or Magistrate, before whom such Conviction takes place, notwithstanding anything in any of the said Acts to the contrary, in lieu of imposing any pecuniary Fine, to commit any Offender to the House of Correction, there to be imprisoned, with or without Hard Labour, for any Time not exceeding *Six* Calendar Months; and the Proviso in the Act of the Twelfth and Thirteenth of Victoria, Chapter Ninety-two, Section Eighteen, and the Proviso in the Act of the Thirteenth and Fourteenth of Victoria, Chapter Ninety-two, (Scotland,) Section Eight, are hereby severally repealed.

10

Penalties to  
be appor-  
tioned as by  
12 & 13 Vict.  
c. 92.

XXXIV. Notwithstanding anything in any Act of Parliament contained to the contrary, all Penalties recovered under the Provisions of this Act, or of any or either of the Acts herein-after authorized to be construed with this Act as One Act, shall be divided, paid, and distributed in the Manner provided by the said recited Act of the Twelfth and Thirteenth of Victoria, Chapter Ninety-two, Section Twenty-one.

15

Appeal by  
Complain-  
ant.

XXXV. In all Cases when any Complaint of any Offence under this or the said firstly or secondly recited Act is dismissed by any Justice or Justices of the Peace, or where the Complainant is dissatisfied with the Judgment of any Justice or Justices of the Peace, if within *Twenty-one* Days thereof the Complainant give to the Person complained against Notice in Writing of his Intention to appeal to the next General or Quarter Session, and if within *Seven* clear Days at least before such Sessions the Complainant enter into a Recognizance, with *Two* sufficient Securities, before a Justice of the Peace, conditioned to try such Appeal and abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court, such Complainant may appeal to any Court of General or Quarter Sessions holden not less than *Fourteen* Days after such Dismissal or Judgment; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and make such Order therein as to the Court may seem meet, or adjourn the Hearing of such Appeal to any succeeding Session; and such Court at such First or succeeding Sessions may confirm the Dismissal of the Complaint, or adjudge or modify or confirm the Penalty, according to the Provisions of the said Acts, or otherwise determine the Matter of the Appeal, and may adjudge either Party to pay such Costs as may be awarded, and the Costs of such Appeal or incident to or occasioned thereby, and shall, if necessary, issue Process for enforcing such Judgment.

40

Recovery of  
Penalties in  
Scotland.

XXXVI. In Scotland all Penalties incurred under the Provisions of this Act, or of any or either of the Acts herein-after authorized to

be

be construed with this Act as One Act, shall be recoverable, with all Expenses, either before the Sheriff of the County or any Magistrate of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before any Justice of the Peace, and in any Court, whether Police or Burgh Court, at the Instance either of the Procurator Fiscal of Court or any Person who may prosecute the same; and the Penalties on Conviction, after deducting all Charges, and such Remuneration to the Person prosecuting as the Sheriff, Magistrate, or Justices by whom the same shall be imposed shall think fit, shall be divided, paid, and distributed as is herein-before directed; and it shall be competent for the said Sheriff, Magistrate, and Justice, and the said Courts respectively, to proceed in a summary Way, and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender or on other legal Evidence, forthwith to give Judgment on such Complaint, without any written Pleadings or Records of Evidence, and to grant Warrant for the Recovery of such Penalties and Expenses decerned for, failing Payment forthwith, or within such Time as the said Sheriff, Magistrate, or Justice shall in his Discretion direct, by Pounding, or by Imprisonment for a Period at the Discretion of the Court, not exceeding *Sixty Days*.

XXXVII. In Scotland if any Person or Persons shall feel themselves aggrieved by the Sentence of any Sheriff or any Magistrate or Magistrates of Burghs or Towns Corporate, or any Justice or Justices of the Peace, pronounced in any Case arising under this Act or any of the said recited Acts, it shall be lawful for such Person or Persons to appeal to the Court of Justiciary at the next Circuit Court, or where there is no Circuit Court to the High Court of Justiciary at Edinburgh, in the Manner and under the Rules, Limitations, and Conditions contained in an Act passed in the Twentieth Year of the Reign of His Majesty King George the Second, intituled "An Act for taking away and abolishing Heritable Jurisdictions in Scotland," with this Variation only, that such Person or Persons so appealing shall, in place of finding Caution in the Terms prescribed by the said Act, be bound to find Caution to pay the Penalty or Penalties and Expenses awarded against him or them by the Sentence or Sentences appealed from, in the Event of the Appeal or Appeals being dismissed, together with any additional Expenses which shall be awarded by the Court in dismissing the said Appeal; and it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Advocation, Suspension, or Reduction, or in any other Way, other than as herein provided.

Appeal in  
Scotland.

In all Convictions the Complainant to have an Order for his necessary and reasonable Costs.

XXXVIII. In every Case in which a Person is convicted of any Offence under this Act or any or either of the said Acts herein-after authorized to be construed with this Act as One Act, the Justice, and in Scotland the Sheriff or Magistrate, before whom the Conviction takes place, shall make an Order for the Payment by the Offender of 5 all Costs necessarily or reasonably incurred by the Complainant in and about the obtaining and enforcing of such Conviction.

Construction of this Act with the 7 & 8 Vict. c. 87. 12 & 13 Vict. c. 92. 13 & 14 Vict. c. 92. (Scotland). 17 & 18 Vict. c. 60.

XXXIX. Except so far as any of the Acts amend the Provisions of any of the other of the Acts, this Act, and the several Acts of the Seventh and Eighth of Victoria, Chapter Eighty-seven, the Twelfth 10 and Thirteenth of Victoria, Chapter Ninety-two, firstly herein recited, the Thirteenth and Fourteenth of Victoria, Chapter Ninety-two, (Scotland,) and the Seventeenth and Eighteenth of Victoria, Chapter Sixty, secondly herein recited, shall be construed together as One 15 Act; and in this and each of those Acts the Word "County," when used in this or any of the said Acts, shall include any Riding or Division of a County, or any Liberty or Franchise, or County of a City or County of a Town, for which a separate Court of Quarter Sessions is held; and the Word "City" or "Borough" shall include 20 any City, Borough, or Town Corporate for which a separate Court of Quarter Sessions is held; the Word "Animal" shall include any Animal, whether of the Kinds particularly enumerated in Clause Twenty-nine of the said Act of the Twelfth and Thirteenth of Her Majesty, or in Clause Three of the said Act of the Seventeenth and Eighteenth of Her Majesty, or not, and whether a Quadruped or 25 not; and the Word "overdriving" shall include over-riding and over-loading.

Repeal of 12 & 13 Vict. c. 92. s. 30.

XL. Section Thirty of the said first-recited Act of the Twelfth and Thirteenth of Victoria, Chapter Ninety-two, is hereby repealed.

This Act, and 7 & 8 Vict. c. 87., 12 & 13 Vict. c. 92., and 17 & 18 Vict. c. 60. extend to United Kingdom. Short Title of Act.

XLI. This Act, and the said Acts of the Seventh and Eighth 30 of Victoria, Chapter Eighty-seven, the Twelfth and Thirteenth of Victoria, Chapter Ninety-two, and the Seventeenth and Eighteenth of Victoria, Chapter Sixty, shall extend to and be operative in all Parts of the United Kingdom.

XLII. In citing this Act it shall be sufficient to use the Expres- 35 sion "The Protection of Animals Act, 1858."



## SCHEDULE.

(A.)

NOTICE to be affixed on the outer Door or Gate of the House or Place for slaughtering Cattle in which a Licence or Transfer of a Licence is sought, and to be served as required by Sect. 7.

[Mem.—In Scotland this Notice must be filled up appropriately to the Designation of the Authorities granting or transferring the Licence, and the Meetings for the Purpose.]

I, *A.B.*, [*state the Trade or Occupation,*] now residing at in the Parish of in the County of and for Six Months last past having resided at in the Parish of [*if the Applicant has had in the Six Months more Residences than One, here state with Precision the several Residences*], do hereby give Notice that it is my Intention to apply to Her Majesty's Justices at the forthcoming General Slaughter-house Licensing Meeting to be holden at on the day of next ensuing, for a Licence [*or (if a Transfer be sought)*] to apply at the Special Session, pursuant to Appointment at the last General Slaughter-house Licensing Meeting, to be holden on the Day of next at for a Transfer to me of a Licence granted on the day of 18 to of ,] to keep or use for the Slaughter of Cattle for Butchers Meat the House or Place next herein-after mentioned; that is to say, [*here describe the House or Place intended to be kept or used for the above Purpose, specifying the Situation of it, whether the Property of the Party applying, or rented, and if rented, of whom, the present or late Occupier, how kept or used within the Twelve Months preceding, and by whom,*] and which I desire to keep and use for the Slaughter of Cattle for Butchers Meat.

Dated this Day of 18 .

To the Vestry of the Parish of, or the Board of Works for the District [*if within the Metropolitan Police District*], or, if elsewhere, To the Local Board of Health, Select Vestry, Board of Guardians of the Poor, or other Boards, Commissioners, or Persons, Vestry Clerk, or Overseers of the Poor [*as the Case may be, as required by Sect. 7. of this Act*], and to the Clerk of the said Justices.

[See Regulations as to the Service of this Notice, Sect. 7., to be strictly observed.]

(B.)

## FORM OF LICENCE.

At the General Slaughter-house Licensing Meeting for the  
 Division [*or Liberty, &c., as the Case may be,*] of  
 in the County of                      holden at  
 on the                      Day of                      in the Year 18 .

WHEREAS *A.B.*, residing at                      in the Parish of  
 in the County of                      [*state Trade or Occupation*], and  
 keeping [*or being desirous to keep, as the Case may be,*] and being  
 desirous to use the House or Place herein-after mentioned for the  
 Slaughter of Cattle for Butchers Meat; hath applied for a Licence to  
 use the House or Place [*as the Case may be*] next herein-after men-  
 tioned for the Slaughter of Cattle for Butchers Meat, we, being Her  
 Majesty's Justices of the Peace acting for the said County [*or*  
 Division, Liberty, Borough, &c. &c., *as the Case may be*], and being  
 the Majority of those assembled at the said Meeting, do hereby  
 authorize and empower the said *A.B.* to use, for the Purpose of  
 slaughtering Cattle for Butchers Meat, the House or Place [*as the*  
*Case may be*] following that is to say; [*here describe the Premises*  
*fully, with the Street, Parish, and County in which situated, and the*  
*Number, if any, and stating in whose Occupation the Premises are*];  
 but this Licence is to continue only from the                      Day of  
 18    till the                      Day of                      18    thence ensuing, and  
 no longer, and is granted on Condition that the said *A.B.* do well  
 and orderly conduct the slaughtering of Cattle on the said Premises;  
 and do and shall at all Times maintain the said Premises with a proper  
 Supply of Water, and fitting Drainage and other Appliances, Means,  
 and Conveniences for Cleanliness, and for the fitting Accommodation of  
 Cattle therein, and the Separation therein of Cattle awaiting Slaughter  
 from Cattle being slaughtered there, and for the Avoidance of unneces-  
 sary Suffering to the Cattle to be there slain, and for the fitting  
 Exclusion from public View of the Slaughtering there carried on or to  
 be carried on; and that he the said *A.B.* do and shall not ill-treat or  
 abuse or wantonly wound or torture any Animal, or before or in the  
 act of slaying or preparing for Slaughter any Animal subject the  
 same to any unnecessary Suffering, or cruelly, wantonly, carelessly,  
 or unnecessarily prolong the Suffering of any Animal, in, or about, or  
 preparatory to the Process of Slaughter, in the above-mentioned  
 Premises or any Part thereof, or elsewhere, or cause, procure, or  
 authorize to be done, or be aiding or assisting in doing, any of the  
 Acts aforesaid; and do at all Times give and afford free Access to the  
 said Premises and every Part thereof to any Constable or Person  
 authorized by Sect. 16. of the Act of    &    Vict. Chapter    there  
 to

to enter ; and do in all Things conform to the Regulations of the said Statute concerning the said Premises, and to the Provisions thereof delivered out with this Licence. And any Breach of this Condition will subject the said *A.B.* to a Revocation or Suspension of this Licence, and to a Penalty of £10 for every such Offence.

Given under our Hands and Seals, on the Day and at the Place first above-written.

[N.B.—This Form is to be adapted to Scotland by the Substitution where necessary of Words appropriate to describe the Authorities signing the same and the Meetings for the Purpose.]

(C.)

FORM OF TRANSFER OF LICENCE.

At a Special Session for the Division [*or Liberty, &c., as the Case may be,*] of \_\_\_\_\_ in the County of \_\_\_\_\_ holden at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year 18 \_\_\_\_\_, for the Purpose of transferring Licences for the Use of Houses or Places for the slaughtering of Cattle for Butchers Meat, pursuant to Appointment at the General Slaughter-house Licensing Meeting for the same Division [*or Liberty, &c., as the Case may be*] held at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ 18 \_\_\_\_\_.

WHEREAS *A.B.*, residing at \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ [*state Trade or Occupation*], being desirous to keep and to use the House or Place herein-after mentioned for the Slaughter of Cattle for Butchers Meat, hath applied for a Transfer of the Licence already for that Purpose granted on the \_\_\_\_\_ Day of \_\_\_\_\_ 18 \_\_\_\_\_ to *C.D.* of \_\_\_\_\_

in the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ [*state Trade or Occupation*]. [*If the Licence has been before transferred, add the Words, “and afterwards on the \_\_\_\_\_ Day of \_\_\_\_\_*

18 \_\_\_\_\_ transferred to *E.F.* of \_\_\_\_\_ in the Parish of \_\_\_\_\_ in the County of \_\_\_\_\_ [*state Trade or Occupation.*]

We, being Her Majesty's Justices of the Peace acting for the said County [*Division, Liberty, Borough, &c. &c., as the Case may be*], and being the Majority of those assembled at the said Special Session, do hereby transfer to the said *C.D.* the Licence so granted on the said \_\_\_\_\_ Day of \_\_\_\_\_ 18 \_\_\_\_\_ to the said *A.B.*, and do hereby authorize and empower the said *C.D.* to use for the Purpose of slaughtering Cattle for Butchers Meat the House or Place as in



the said Licence and as herein mentioned ; that is to say [*here describe the Premises, with the Street, Parish, and County in which situate, and the Number, if any, and stating in whose Occupation the Premises now are. If any Variation since the granting of the original Licence or last Transfer, state the Premises as varied*]. But this Licence is to continue only from the                      Day of 18    till the                      Day of                      18    [*i.e. the Day of Expiration of the current Licence*] thence ensuing, and no longer, and is granted on the Condition that the said *C.D.* do well and orderly conduct the slaughtering of Cattle on the said Premises, and do and shall at all Times maintain the said Premises with a proper Supply of Water, and fitting Drainage and other Appliances, Means, and Conveniences for Cleanliness, and for the fitting Accommodation of Cattle therein, and the Separation therein of Cattle awaiting Slaughter from Cattle being slaughtered there, and for the Avoidance of unnecessary Suffering to the Cattle to be there slain, and for the fitting Exclusion from public View of the Slaughtering there carried or to be carried on ; and that he the said *C.D.* do and shall not ill-treat, or abuse, or wantonly wound or torture, any Animal, or before or in the Act of slaying or preparing for Slaughter any Animal subject the same to any unnecessary Suffering, or cruelly, wantonly, carelessly, or unnecessarily prolong the Suffering of any Animal, in, or about, or preparatory to the Process of Slaughter, in the above-mentioned Premises or any Part thereof, or elsewhere, or cause, procure, or authorize to be done, or be aiding or assisting in doing, any of the Acts aforesaid ; and do at all Times give and afford free Access to the said Premises and every Part thereof to any Constable or Person authorized by Sect. 16. of the Act of    &    Vict. Chapter    there to enter ; and do in all Things conform to the Regulations of the said Statute concerning the said Premises, and to the Provisions thereof delivered out with this Licence. And any Breach of this Condition will subject the said *C.D.* to a Revocation or Suspension of this Licence, and to a Penalty of £10 for every such Offence.

Given under our Hands and Seals, on the Day and at the Place first above written.

[N.B.—This Form is to be adapted to Scotland by the Substitution where necessary of Words appropriate to describe the Authorities signing the same and the Meetings for the Purpose.]



# Cruelty to Animals Act Amendment.

---

A

## BILL

To amend the Act of the Seventeenth  
and Eighteenth Years of Her Majesty,  
Chapter Sixty, for the more effectual  
Prevention of Cruelty to Animals.

(Prepared and brought in by  
Viscount Ragham and Sir James East.)

---

*Ordered, by The House of Commons, to be Printed,*  
18 March 1858.

---

[Bill 38.]

*Under 4 oz.*



23 March 1858. 21 VICT.



A

# BILL

FOR

## The Alteration of certain Duties of Customs.

**B**E it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

- 5 I. That the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into Great Britain and Ireland shall cease and determine ; (that is to say),
- Chloride of Lime.
- Platina Wire.
- Duties of Customs on certain Articles to cease.

- 10 II. That in lieu of the Duties of Customs now chargeable on the under-mentioned Articles on their Importation into Great Britain and Ireland the following Duties shall be charged ; (that is to say),
- New Duties of Customs to be charged on certain Articles.

|                             |   |   |   |   |         |    |
|-----------------------------|---|---|---|---|---------|----|
| Bonnets of Felt             | - | - | - | - | each    | d. |
| Caoutchouc, Manufactures of | - | - | - | - | per lb. | 2  |

- 15 III. On and after the *Fifth Day of April One thousand eight hundred and fifty-eight*, the following Duties of Customs shall be charged
- [Bill 38.]
- On and after 5th April 1858, Duties

of Customs charged on the Articles under mentioned on the Importation thereof  
to be charged into Great Britain and Ireland ; that is to say,  
on certain Articles.

|                |           |          |       |
|----------------|-----------|----------|-------|
| Stearine       | - - - - - | the Cwt. | s. d. |
|                |           |          | 3 6   |
| Candles ; viz. |           |          |       |
| Stearine       | - - - - - | the Cwt. | 3 6   |

5

Act to come into operation. IV. This Act shall come into operation on the Day of *the passing of this Act*, except where otherwise herein mentioned, and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Customs Duties Act, 1858."





# Customs Duties.

---

A

## BILL

For the Alteration of certain Duties of  
Customs.

(Prepared and brought in by  
*Mr. FitzRoy, Mr. Hamilton, and Mr. Chancellor  
of the Exchequer*)

---

*Ordered, by The House of Commons, to be Printed,  
23 March 1858.*

---

[Bill 38.]

*Under 1 oz.*

21 April 1858. 21 VICT.



A

# B I L L

FOR

## The further Amendment of the Duties of Customs.

Most Gracious Sovereign,

**W**E, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's Public Expenses and making an  
5 Addition to the Public Revenue have freely and voluntarily resolved to give and grant unto Your Majesty the additional Rates and Duties herein-after respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and  
10 Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. That, towards raising the Supply granted to Her Majesty, the following Duties of Customs shall be charged on and after the *Nineteenth Day of April One thousand eight hundred and fifty-eight* on  
15 *the* *Granting additional Rates and Duties on Spirits, &c.*  
[Bill 53.]

the Articles under mentioned, on their Importation into Ireland, in lieu of the Duties now payable thereon; *viz.*

| Spirits,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | s. | d.   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------|
| — not being sweetened or mixed with any Article so that the Degree of Strength thereof cannot be ascertained by Sykes's Hydrometer; for every Gallon of the Strength of Proof by such Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon, of and from a British Possession in America, or the Island of Mauritius, and Rum of and from any British Possession within the Limits of the East India Company's Charter, in regard to which the Conditions of the Act 4 Vict. c. 8. have or shall have been fulfilled | 8  | 2 15 |
| — Rum Shrub, Cordials, and Liqueurs of and from a British Possession in America, or the Island of Mauritius, or a British Possession within the Limits of the East India Company's Charter, qualified as aforesaid                                                                                                                                                                                                                                                                                                                                                                                              | 8  | 2 20 |





A

# BILL

For the further Amendment of the  
Duties of Customs.

(Prepared and brought in by  
Mr. FitzRoy, Mr. Chancellor of the Exchequer,  
and Mr. Hamilton.)

---

Ordered, by The House of Commons, to be Printed,  
21 April 1858.

---

[Bill 53.]  
Under 1 oz.



















